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ACTS AND PROCEEDINGS

OF

THE GENERAL ASSEMBLIES

OF THE

KIRK OF SCOTLAND,

FROM THE YEAR M.D.LX.

COLLECTED FROM THE MOST AUTHENTIC MANUSCRIPTS.

PART THIRD. M.D.XCIII.—M.DC.XVIII.

EDINBURGH, M.DCCC.XLV.

At an Extraordinary General Meeting of the Bannatyne Club, held in the Apartments of the Antiquarian Society, on Friday the 8th of July 1836:

The President having stated, that the destruction of the early Registers of the Church of Scotland, in the year 1834, being no longer a matter of doubt, it had become highly desirable that measures should be taken for collecting and printing, in addition to the volume known by the title of "The Booke of the Universall Kirk of Scotland," whatever else could yet be recovered from authentic sources of the recorded proceedings of the General Assemblies, from the era of the Reformation to the period from which the original Registers were still extant. The Meeting approved of the President's recommendation, and he was requested to take such steps as he might judge fit for preparing a specimen of the proposed Work.

At a Meeting of the Committee of the Bannatyne Club, held at Edinburgh, in the House of the President, on Monday the 13th day of November 1837:

The President stated, that he expected soon to exhibit a specimen of "The Booke of the Universall Kirk,"—and suggested, that it should be put within the option of the Maitland Club to secure copies of the Work, by furnishing paper and paying a proportionate share of the expense. The Secretary was directed to make a communication to this effect.

At an Extraordinary General Meeting of the Bannatyne Club, held in the Hall of the Antiquarian Society, on Monday the 29th of January 1838 :

In pursuance of the Minute of the Committee on the 13th of November last, and after communicating with the Committee of the Maitland Club, it was Resolved,—That the printing of "The Booke of the Universall Kirk of Scotland," containing the Acts and Proceedings of the General Assemblies of the Church, from the year M.D.LX., be proceeded with, under the superintendence of Thomas Thomson, Esq., President of the Club, at the joint expense, and for the use, of the Members of the Bannatyne and Maitland Clubs.

DAVID LAING, Secretary.

At an Extraordinary General Meeting of the Bannatyne Club, held at Edinburgh, in the Hall of the Antiquarian Society, on Monday the 15th day of April 1839 :—

Resolved,—That the First Part of "The Acts and Proceedings of the General Assemblies of the Kirk of Scotland, from the year M.D.LX., collected from the most authentic Manuscripts," and now printing for the Bannatyne and Maitland Clubs, be circulated among the Members.

DAVID LAING, Secretary.

THE Volume now presented to the Club, embraces the concluding portion of the Recorded Proceedings of the General Assemblies of the Church of Scotland, held within the period contemplated in the present Work. Its delivery has been retarded by accidental circumstances, in themselves of little importance; but the delay has afforded an opportunity of rendering this compilation somewhat more accurate and complete.

The Index to the entire Work has been compiled by Mr DAVID MEEK, with that extreme accuracy and exact knowledge of the early history of the Scottish Church, for which he has been so long distinguished. It may be proper to mention, that the additions and corrections to the Index were chiefly owing to his great anxiety to render it more perfect, from new sources of information which became available after the sheets had been sent to press.

EDINBURGH, *March* 1845.

THE BANNATYNE CLUB.

DECEMBER, M.DCCC.XLIV.

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THE DUKE OF HAMILTON AND BRANDON.
EDWARD W. DRUMMOND HAY, ESQ.
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JAMES MAITLAND HOG, ESQ.
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COSMO INNES, ESQ.
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JAMES LOCH, ESQ.
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ALEXANDER MACDONALD, ESQ.
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THE EARL SPENCER.
90 JOHN SPOTTISWOODE, ESQ.
EDWARD STANLEY, ESQ.
THE HON. CHARLES FRANCIS STUART.
THE DUKE OF SUTHERLAND.
ARCHIBALD SWINTON, ESQ.
ALEXANDER THOMSON, ESQ.
WALTER CALVERLEY TREVELYAN, ESQ.
DAWSON TURNER, ESQ.
PATRICK FRASER TYTLER, ESQ.
ADAM URQUHART, ESQ.
100 RIGHT HON. SIR GEORGE WARRENDER, BART.

THE PREFACE.

In presenting to the Club these remains of the Recorded Proceedings of the Church of Scotland, during the first half century after the Reformation, it may be fit to offer some explanation of the causes of their imperfect state; and not uninteresting to trace the successive dangers and escapes through which the original muniments had passed, down to the period when there is too much reason to believe they were left to perish in the conflagration of the Houses of Parliament in the year 1834.

The duty of recording the proceedings, and framing the Registers of the General Assemblies of the Church, was from the first entrusted to an officer regularly elected; to whom also was committed their ordinary custody.* In these Registers was embodied the most authentic

* This officer appears under the various designations of "Scribe" or "Clerk of the Assembly,"—"Common Clerk of the Kirk,"—and "Clerk of the General Assemblies, and Keeper of the Register of the same." During the period embraced in the following volumes, the office was held by four different persons in succession, whose names have been rendered of some importance, in tracing the subsequent history of these records. The first in order was Mr John Gray, whose appointment was probably coeval with the first General Assembly in 1560. In the Register of Ministers, &c. 1567, (printed for the Maitland Club,) there is the following entry, which shews that his services were not entirely gratuitous:—"Mr John Gray, Keipar of Registre of Ministers thair Stipendis, "Extractor thairof, and Clerk of the Generale Assembleis and Keipar of the Registre

evidence of the original constitution of the Presbyterian Church, and of its practical administration under the guidance of those able and distinguished men by whose exertions and influence its reformation had been achieved. To their well-known importance in that view, have been mainly owing the perils and injuries to which these records have been exposed.

During the first twenty years after the Reformation, the prevailing current of opinion in favour of the Presbyterian polity had been little disturbed, and the Registers of the Church appear to have remained in the custody of the proper officer; but in the course of the subsequent struggles for the re-establishment of Episcopacy, they acquired a sinistrous interest, and by some disorderly means had passed into other hands, from which they were ultimately rescued with no little difficulty. Although ignorant as yet of the injuries they had sustained, and even uncertain into whose hands they had fallen, the leaders of the Church became anxious to recover the possession of these records, and to replace them under the care of their own officers. Accordingly, in the General Assembly held in May 1586, two of the members were "directit " to the Kings Majestie to solicite the redelyverance of the same, " [and] returnit his Hienes answer, That they sould be delyverit " to the Clerk ilk day during the Assemblie, but at evin they

" of the same, in recompense of his labouris bigane and to cum, ij^{c} li." In 1574, Mr James Ritchie was elected his successor, and sworn into the office with great solemnity. On his decease in 1596, Mr Thomas Nicolson, advocate, (and Commissary of Aberdeen,) was, by a plurality of votes, chosen, sworn, and admitted; and, with some temporary interruptions, retained the office till 1618, when, on his "dimission," Mr James Sandilands was received in his place. In 1638, Mr Archibald Johnston, (afterwards better known as Lord Wariston,) was elected Clerk by the General Assembly held at Glasgow; and to him succeeded Mr Andrew Ker, who survived the Restoration in 1660.

" sould be in the hands of the Lord Privie Seale quhill the end
" of the said Assemblie; betwixt and quhilk day his Majestie
" wald be present himselfe." This strange reserve in permitting (P. 647.)
to the Church the custody and use of her own Records, was apparently intended to elude the detection of the frauds practised by those into whose hands they had fallen; while, at the same time, it well harmonized with the favourite views of the King in asserting a civil supremacy over the ecclesiastical establishments of the country.

In the Assembly held in June 1587, "the King's Commissioners
" having offered their concurrence in recovering the Registers, if it
" might be known in whose hands they were; and the Moderator
" having desyrit the brether that could give any light in this matter
"to manifest the same," it was ascertained that they were then in (P. 686.)
the possession of Patrick Adamson, Archbishop of St Andrews: and the royal authority having been obtained in aid of that of the Church, to compel their production, it would appear that in the first instance they had been given up to the Lord Secretary; and after much hesitation and cavil, there was "at length presentit
" to the sight of the kirk fyve volumnes of thair Actis, quherof
" a great part being mankit, and, after the sight thereof, being
" redelyverit,—the haill brether ordainit ane heavie regrate to
" be made to his Majestie in article, lamenting the away tak-
" ing and mutilating of the saids Bookes, and to crave that the
" same may be restored, and also that the saids Bookes may be
" delyverit in the Kirks hands, to remane with them as their
" awne Register, namelie in respect of the answer returnit from
" my Lord Secretar, that his Majesties will was, that the Kirk sould
" have inspection thereof as they had adoe presently, and to give
" them up againe." (P. 697.)

The restoration of the mutilated parts of the Registers, was unhappily no longer possible; but the story of this disgraceful

proceeding seems to have been first disclosed, in the year 1591, in the humiliating confessions elicited from Archbishop Adamson by the Provincial Synod of Fife. He there ventures to assume to himself the credit of having saved the Acts of the General Assembly from the flames, to which they were destined by the Earl of Arran; but confesses, that "upon a certain day in Falkland, before "they were delivered to the Kings Majestie, the Bishop of N. ac-"companied with Mr Henry Hamiltoune, rent out some leafes, and "destroyed sic things as made aganis our estate, and that not "without my awne speciall allowance." *

There seems to be no doubt, that prior to the date of these disclosures, the Registers of the Church had been replaced in the hands of the Clerk of the Church, nor does it appear that any further attempts were then made to disturb their legitimate custody. But hazards of another kind were awaiting them. On the overthrow of the Presbyterian polity in the year 1606, its muniments were no longer regarded as of dangerous importance; and for more than thirty years they appear to have been neglected and lost sight of by the Church. The period however was fast approaching

* Row's History of the Kirk of Scotland, p. 123. Edin. 1842, 8vo. In the Latin edition or version of this *Palinodia*, the passage relative to the Books of the Kirk is thus given: —"Quod ad illud quod quæritis, quis casus obtigerit Commentariis Synodi Generalis, "ita res se habet. Integros servavi in reditum nobilium et ministrorum ex Anglia: "quod si non fecissem, Comiti Araniæ in animo erat curare ut conjicirentur in ignem. "Falcolandiæ quodam die, priusquam traditi sunt Regiæ Majestati, Episcopus N. una "cum M. Henrico Hammiltonio discerpsit quædam folia, et ea quæ adversus ordinem "nostrum ulli usui esse possent, idque me approbante."—A. Melvini Musæ, et P. Adamsoni Vita et Palinodia,—p. 51. 1620, 4to. It has been supposed that the person here alluded to was David Cuningham, who had been preferred to the Bishoprick of Aberdeen in the year 1577. The extent of the mischief thus practised has not been exactly ascertained, but the indications of this rough process of castration will be found in the following work, at pages 417, 424, 461, 465, 474.

when a due sense of their importance was to revive; and very serious alarms for their safety had begun to prevail, when, to the surprise of all, the greater part of them was brought to light in the General Assembly held at Glasgow in the year 1638. Of that unexpected and joyous event, the contemporary historians of the Presbyterian Church have been anxious to preserve the minute and interesting details.* It may here suffice to state, that by the successful exertions of Mr Archibald Johnston, who had been then chosen Clerk of the Church, and who was destined to act a still more prominent part in after life, the greater part of the Registers prior to 1590 had been traced and found in the hands of private individuals, officially connected with Mr Thomas Nicolson, the last regular Clerk, in whose possession they had been left after his "dimission" in 1618. Those only of subsequent date had been received by his successor Mr James Sandilands, whose son, an unsuccessful candidate for the clerkship, surrendered them to the Assembly.

On the part of the Royal Commissioner, there was shown an evident disinclination to recognise the authenticity of these records; but to put an end to all doubts on that head, the books were subjected to a minute and careful scrutiny, by a Committee of distinguished members; whose elaborate report, proving them to be "true, famous and authentick registers of the Kirk," was ultimately approved by an unanimous decision of the Assembly. (App. p. XXIII.)

Of these more ancient records there were in all five volumes; four of which were found to contain the original record of the Assembly's Proceedings from 1560 to 1590; with the exception of that from March 1572 to March 1573, and of that from July 1580 to October 1583. The former of these was recovered and pro-

* See Appendix, No. I.

pp. p. XXVIII.) duced to the next General Assembly held in 1639; of the other no trace appears ever to have been found. * That loss however was supplied by a fifth, what is described as the "greatest volume," and which proved to be a well-authenticated "duplicate" of the entire series of proceedings prior to the year 1590.

From the state of safe custody to which they were thus once more restored, the records of the Church were doomed to be again withdrawn, at the disastrous period of the English invasion in 1650. After several transfers from place to place, it was thought advisable to seek a shelter for them in the fortress of the Bass: in April 1651 a requisition was sent to the keeper, "that the Bass might be made "secure for the Registers, as it had been in a former day of calamity;" and as a further precaution against the accidents of war, it was "agreed that the great volume, being a duplicate of some of the rest," should be sent to the castle of Dunottar, to which the Regalia of the pp. p. XXIX.) Kingdom had been carried. But neither the Regalia, nor "the great volume," were very long considered as in a place of safety; and on the authority of a letter from certain members of the Commission of the Church assembled at Aberdeen, on the first of September 1651, the Register in question was delivered to the Earl of Balcarras, who had been the High Commissioner to the General Assembly held at St Andrews in the preceding month of July.† The more important portion deposited in the fortress of the Bass, fell soon afterwards into the hands of the English invaders, and was removed from

* From the proceedings in the Assembly 1638, given in the Appendix, it appears that these missing volumes were supposed to be in the hands of Archbishop Spottiswood, who is stated by Lord Rothes to have obtained from the king a warrant to demand them from Nicolson, the former clerk, and from whom the later volumes after 1590 were obtained by Sandilands. It is highly probable that the Archbishop had desired to have the use of these Records in the composition of his Ecclesiastical History.

† See Dr M'Crie's Memoirs of Veitch, &c. p. 524.

Scotland in pursuance of an Order of the House of Commons, April 27, 1652,—"That Major-General Dean cause the public Records "of the Kirk, taken in the said isle, [the Bass,] to be packed up in "cask and to be sent to the Tower of London, there to remain in "the same custody that the other Records that come from Scot-"land are."

In 1657, Sir Archibald Johnstoun, Lord Wariston, in virtue of his office of Clerk Register, was successful in obtaining from the Protector's Council a warrant for restoring to Scotland such of the public Records "as concern private men's cases and interests only;" but all those "of a public nature" were retained till the period of the Restoration. There can be little doubt that his ardent zeal in the service of the Kirk would not allow him to be inattentive to the fate of these Registers; but of the means or the time of their actual release from the Tower, no distinct traces have been found. They do not appear to have been included among the Records surrendered in 1657, of which a full Inventory is preserved; and although it might be presumed that they were sent back to Scotland in September 1660, along with the other Public Records of the Kingdom, yet no distinct traces of their existence or subsequent fate have been found. The possibility of their retention in England, for reasons similar to those which prevented the transfer to Scotland of the Acts and Proceedings of Parliament during the Civil War, might have left a glimpse of hope for their ultimate recovery, had not the recent arrangement of the Records in the State Paper Office, and at the Tower, precluded every chance of their being yet discovered in those repositories. Whether these Registers of the Church may not have formed a part of the Records that were lost at sea on the voyage to Scotland in 1660, must remain a matter of mere conjecture, as there exists no satisfactory evidence of what was included in that unfortunate cargo. If it be supposed barely possible that they

were brought back to Scotland, the only conjectural alternative which remains is, that they may have perished in the great fire at Edinburgh in the year 1701, which consumed a large mass of consistorial and ecclesiastical records.*

The other portion of the Church's muniments which had been transferred to the castle of Dunnottar in 1651, and afterwards placed in the hands of Lord Balcarras, there seems reason to believe, had been committed by him to the custody of Mr Andrew Ker, the successor of Lord Wariston in the Clerkship of the General Assembly, and on his death, had passed into the possession of his brother and heir, Mr Robert Ker. After the death of the latter in 1677, they are said to have been discovered in his private repositories, either in consequence of some previous information conveyed to the Government, as stated by Bishop Keith,† or more probably by the officers of the Commissary Court, in the course of their official researches. How they afterwards came into the possession of Paterson, Bishop of Edinburgh, does not appear; but in his hands they were retained, after the re-establishment of Presbytery in 1689; and in disregard of unquestionable legal rights and obligations, he appears to have treated them as articles of merely antiquarian curiosity, and, as such, to have presented or bequeathed them to the Honourable Archibald Campbell, an eminent virtuoso in his day, and afterwards a titular bishop of the Episcopal Church of Scotland. Bishop Paterson died in 1708; and it is remark-

* In the General Assembly at Edinburgh, March 1703, an Act was passed "for "supplying and preserving the Registers and Papers belonging to the General Assem- "blies, Committees, and Commissioners thereof;" proceeding on this preamble: "The General Assembly taking into their consideration the great loss the Church "hath sustained by the burning of several of their Registers and some papers, in that "dreadful fire which happened in the Lawn Mercat of Edinburgh upon the 28th day "of October 1701," &c. Among these losses, the Registers of the Assemblies 1638, 1639, 1640, 1641, 1642, are particularly mentioned.

† History of Scotland, p. 497. Note *b*.

able that twenty years afterwards, the fact that those were genuine Registers of the Kirk seems not to have been ascertained. In a letter from Mr Robert Wodrow to Lord Grange, written apparently in 1728, after alluding to the Manuscripts collected by George Ridpath,* it is added, " He pretended to have our original Acts of Assembly, as I " hear Mr Archibald Campbell, Lord Niel's son, pretends his copy is " likewise an original record." This uncertainty may help in some degree to account for the tardiness, if not indifference, which the leaders of the Church had hitherto shown in vindicating their just rights, and compelling the restoration of an unquestionable portion of the Public Records of the Kingdom.

At length, however, the authenticity of the Registers in the hands of Mr Campbell appears to have been ascertained, and on the part of the Church a negociation was set on foot for their recovery, of which some valuable traces are preserved, but which is said to have failed in consequence of the extravagant and preposterous conditions proposed by that eccentric person. † Beside the payment of a sum of money as the price of their own property, which was considered as excessive, it was to be an indispensable preliminary that the books should be printed under his own superintendence, to the absolute exclusion of any revisal by any member of the Established Church. The rejection of such conditions can excite no surprise; but it may well be wondered at, that there the matter should have been suffered to rest, and that no legal measures for compelling the restitution of the property should have been adopted. To these

* WODROW CORRESPONDENCE, III. 285.—The manuscript in Ridpath's possession would appear to have been a copy of "The Book of the Universal Kirk." It was acquired by Dr James Fraser, another curious collector, and presented by him to the Library of the Divinity Hall in the University of Edinburgh. Unfortunately it has been lost for many years; but a transcript of it was made for the use of the Church in 1730.

† The documents alluded to are in the archives of the Church, and have been printed in the Appendix, No. VII. p. XXXIX.

no effectual bar had been created by the subsequent transfer of the books to the Library of Sion College, London, by a deed of gift dated in the year 1737; but whether from a certain sluggishness of movement incident to such bodies, or from some ill-advised distrust of their own rights, the Church does not appear to have made any effort, or bestowed any serious thought on the subject, till nearly a century after, when the Reverend Dr Lee, now the Principal of the University of Edinburgh, began to rouse the attention of his brethren to the assertion of their long neglected claims. The strict justice of these he was most eminently qualified to illustrate and enforce; and for his zealous and laborious services in the cause, he well entitled himself to the thanks of successive Assemblies of the Church. It can never cease to be matter of deep regret, that his exertions had not secured a timely and more strenuous support; and that regret is embittered by the consideration that the first practical step, and the expected prelude, to a full vindication of the Church's right to these Records, was doomed to become the immediate cause of their loss.

In the year 1834, in pursuance of an Order of a Select Committee of the House of Commons on Church Patronage, Dr Lee, Dr Welsh, and Principal Macfarlan, accompanied by Mr James Chalmers, * obtained access to the Library of Sion College, and
(App. p. xxxiii.) reported that "they had inspected three books in manuscript, "bearing to be records of the Proceedings of the General "Assembly of the Church of Scotland from 1560 to 1616:"— "and that in their opinion these Records were the genuine and "authentic Register of the Proceedings of the General Assembly "of the Church of Scotland for the above period." Under another Order of the Committee, these volumes were reluctantly dragged from their place of deposit, and produced by one of

* At a previous examination of the MSS. in Sion College, Mr John Richardson, and Mr David Laing, Secretary of the Bannatyne Club, formed part of the Deputation.

the officers of the College; who was informed "that the Committee "wished the books to lie upon the Table for their inspection, and "that the Committee would send to him when they wished them to "be returned."* The consequence of this resolution seems to be but too well ascertained. By a sad oversight the books were suffered, at the close of the Session, to remain in the Committee Room, and that part of the buildings was burnt down on the 16th day of October ensuing. (App. p. xxxvii.)

The books thus destroyed were three in number. The first, embracing the Proceedings of General Assemblies from December 20. 1560 to March 1589, was unquestionably the same "greatest book" produced by Wariston in the Assembly 1638; as, independently of certain coincidences observed by Dr Lee, it contained an attestation in the hand-writing, and with the well known signature of Wariston, as Clerk of the Assembly, that it had been received and acknowledged as an authentic register. The two other volumes, containing the Proceedings of General Assemblies from 1590 to 1616, were in all probability the same that were presented to the Assembly in 1638, by Sandilands, the son of the last Clerk of the Church within the period to which they relate. (App. p. xxxviii.)

The great importance of the Proceedings of the Reformed Church of Scotland to the illustration of the constitutional and general history of the kingdom, had not escaped the early attention of the Bannatyne Club; and in the absence of other means of giving publicity to the genuine records of the Church, the project was gravely entertained of undertaking that national work. The fatal catastrophe of 1834 terminated that more ambitious scheme; and there only remained the plan here adopted of retrieving, from such secondary

* See Report of Select Committee on Church Patronage, pp. 355, 374, 451, App. p. 155.

sources as yet exist, the broken and disjointed fragments of the original Registers. Imperfect though they certainly are, two of these sources are here deserving of particular notice.

1. From an early period it became an object of importance to select from the general registers of the Acts and Proceedings of the Church, such parts as were calculated to illustrate and explain the principles of its constitution, and to regulate its ordinary admi-
325.) nistration. As early as 1574, a Committee of Members was appointed "to take travell in visiting and perusing of the Acts of the "Assembly; to mark and note sick as are general, that thereafter "they may be drawn and extracted out of the Books, that all
566.) "pretext of ignorance may be tane away." Again in 1582, the Assembly "ordaines Mr [John] Craig to lay an order for collecting the "Acts of the Kirk betuixt and the nixt Assemblie." In 1583, "Anent "the travels taken be Mr Craige in collecting and disposing the Acts "of the Assemblie," certain brethren are ordained "to consider and "oversee the samine, and to returne their opinion back to the "Assemblie:" and in the same Assembly, "anent the labours taken "be Mr John Craige in collecting of the Acts of the Assemblie, "seing the great travels tane be him for the weale of the same, not "without the singular fruit and profite of the whole brethren, to "the effect the same may be absolved and brought to perfection, it "is thought good that" the Commissioners "travel in perusing the "whole work," and assist in the full completing thereof,—"that "the judgment of the next General Assemblie may be had there-
628.) "upon." And in the following Assembly, held in the same year, the Commissioners report that they "had considered the travels of "Mr Craig in the Acts of the Kirk, and that in his labours God "was to be praised: yet some things they had noted, wherewith "they desired he sould conferr, and thereafter proceed with him in "farther reasoning."

Of the praiseworthy labours of Mr John Craig, nothing more appears till the year 1593, when the following entry occurs: "Anent (P. 815.) "the Actis of the Kirk: That everie Presbyterie may be the better "instructit therin, the Kirk hes ordinit Mr James Carmichaell, quha "has alreddie tane sum paneis in correcting therof, to perfyte the "work, and to present the same to the next General Assemblie of "the Kirk." And again, in the Assembly of 1595, "Anent the (P. 856.) "Actis of the Assemblie: The brether has ordainit that the samein "be sichtit, and speciall Acts for practise of the Kirk be extractit "and joinit with the Booke of Discipline, to be publischit either "in wryte or print, that none pretend ignorance therof, and to this "effect to concurre with the Clerk, Mrs Robert Pont, Thomas "Buchannan, James Melvill, Johnstoun, and James Carmichael."* Here we find no distinct allusion to the previous labours of Mr John Craig; but having evidently had the same object, it may be presumed that those of Mr James Carmichael and his coadjutors consisted of a revisal, perhaps enlargement, and continuation of the former.†

That these careful compilations should have been afterwards entirely lost sight of, is highly improbable; and as there still exist various copies of such an abridgment, to which has been usually given the title of "the Book of the Universal Kirk of Scotland," it seems no very hazardous conjecture, that these may be transcripts of the work of Carmichael, continued to the termination of

* Some curious notices relative to the progress of Mr Carmichael's labours occur in the Register of the Provincial Synod of Lothian and Tweeddale, and will be found in the Appendix, p. xxx.

† This Manuscript appears to have belonged to William Earl of Crawford-Lindsay, who flourished in the reigns of Charles I. and II., and was distinguished for his attachment to the Presbyterian Church: it has his autograph signature in different parts of the volume.

Presbyterian government in 1606. The copy preserved in the Advocates Library appears to be a manuscript of the early part of the seventeenth century, and contains proceedings of Assemblies down to the year 1616, including most of those that were condemned as unlawful by the General Assembly of 1638. It has been adopted as the main ground-work of the present collection, and has been found on collation to admit of little correction or improvement from any other copy. When the larger volume from which it must have been compiled, was examined by Dr Lee
(App. p. xxiv.) in 1834, he found, on a random calculation, that it contained more than thrice the quantity of matter preserved in "the Book of the Kirk;" but of what that larger quantity chiefly consisted, he had not an opportunity of ascertaining, further than that the Record "contained a great mass of information in a more complete "and certainly in a more correct form than any thing that has been "exhibited in any of the publications which he had ever seen."

2. In aid of the "Book of the Kirk," and for the enlargement of its contents, the Ecclesiastical History of David Calderwood has proved of most important use. It would be here out of place to enter into any detailed account of that valuable work. It was undertaken, if not originally under the express authority, yet with the entire approbation of the Church; and as the Records, recovered in 1638, were completely accessible to the author, it is evident that he had made a diligent use of his opportunities, and had not confined his researches to any of the abridgments which were then extant. His quotations from the Registers of the Assembly are very copious, and in the present work have been interwoven with the contents of the Book of the Kirk, but never without indicating the source from which they have been derived, by including them within brackets, with the initial letter of the author's name. The great value of Calderwood's work has been long known,

and its complete publication from the original manuscript, now in the British Museum, has been one of the meritorious labours of the Wodrow Society. The extracts introduced into the present collection have been taken from a transcript of the original, made for the use, and under the inspection of Mr Robert Wodrow, now in the possession of the Church of Scotland.

It has been the object and anxious wish of those to whom the conduct of this work was entrusted, to preserve every fragment of genuine record that could be discovered. For that purpose the historical works of Knox, of Melville, of Spottiswood, of Petrie, of Row, and others, have been carefully examined, and various corrections and additions have been obtained, which, like those from Calderwood, have been invariably indicated by the initial letters of their respective names. In further illustration of the proceedings of the Church, several public documents, taken from the Registers of the Secret Council and other authentic sources, have been introduced at their proper places in the order of time, and will be found to add to the historical interest of these volumes.

In the selection and transcription of nearly the whole of its materials, and in the various researches essential to the successful completion of the work, the Club has to acknowledge its deep obligations to the Reverend William Beattie Smith, A.M., Chaplain to the Garrison of Edinburgh Castle, whose zealous and long sustained exertions could have been prompted only by a deep feeling of interest in the object to which they were directed. That, after all, some things may have escaped his researches, is far from impossible; that some few notices have been introduced which were not strictly within the proper scope of the work, will not escape the observation of a critical reader; but on the whole, it is scarcely to be hoped that a more extensive view of the actual proceedings of

the Presbyterian Church, during the period which it embraces, can now be attained.

It only remains to be stated, that the proper contents of what has been usually entitled the Book of the Universal Kirk of Scotland, may be said to terminate with the General Assembly appointed to be held at Aberdeen in the year 1604; and that the Assemblies which follow, from 1606 to 1618, whose proceedings have been here retained as necessary to complete the historical series, were, on the
App. p. xlix.) restoration of Presbytery in 1638, "condemned, and declared every "one of them to have been from the beginning, unfree, unlawful, "and null," for reasons which are recorded at length in the Acts of that Assembly.

Edinburgh, *March* 1845.

APPENDIX.

I.

PROCEEDINGS OF THE GENERAL ASSEMBLY HOLDEN AT GLASGOW, IN THE YEAR 1638, RELATIVE TO THE REGISTERS OF THE CHURCH.

Sessio 3tia November 26. 1638.

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THEN the voices of the haill Assemblie wer craved anent the electioun of a Clerk, and Mr Archibald Johnstoun wes chosin be the universall consent of all except one, and wes admittit Clerk vnto the Assemblie ad vitam, and vnto all the richtes, fies, and priviledges perteining to ane Clerk off before, to be extendit at large; who, efter the acknowledgement of the weichtines of the charge, and his insufficiencie for it, imbraced it, as haveing a calling from God and the honourable Assemblie. The Moderator desyred to be informed, if anie more wes requisite for his admissioun, bot a solemne oath of his fidelitie and diligence. Mr Johne Row ansuered, Nothing farder, but that he sould bring foorth, keip and preserve the Registers of the Church, at leist so manie as sall come in his handis, seing pitiful experience could shew how these Registers had been marred in former tymes. Then Mr Archibald gave an solemne oath of his fidelitie and diligence and conscious keeping and use making of all Registers; and documents was taken of his acceptance and admission. The Moderator said, that the books and acts of all former Assemblies should be produced and putt in Master Archibald's hands. Mr Thomas Sandilands ansuered, that he had receaved no Registers from his father, but onlie two bookes containing some Acts from the year 1590, till the Assemblie at Aberdeen holden *anno* 1616, which therein is onlie begunne, with the minuts of the acts of the said Assemblie of Aberdene in a paper apairt, with the

minutes of Sanct Androis following 1617, with the acts of the Assemblie at Perth subscribed be Mr James Sandilands, and delivered the samen to the Assemblie: and being posed for the rest of the Registers, answered, in his fathers name, that hee had gotten these two from the bischop of Sanct Androis, and had never receaved any more neither from him nor from the Assemblie nor from any other. The Moderator craved, that all the Registers might be had and brought foorth from the hand of any clerk or haver of them, affirming that these bookes had in them matters of greater weight then all other evidents of Land &c. ffor they were the Kirk of Scotlands Magna Carta, containing all her priviledges and liberties since the Reformation. Hee wished also, that this Assemblie sould not be depryved of so powerfull a meane of informatione, for proceeding in matters to be handled there. The former clerks sone affirmed, that he had destroyed nane of these books. The Moderator urged the production of these books, and desired the Commissioner to take course for it. The Commissioner ansuered, that hee was willing to use any good meane that could be used for the productione of these bookes, if any could shew in whose hands they were; for (said he) I desire not that any Register sould be absent, but above all the Kirk Registers. My Lord Rothes said that, by a warrant from King James, the Bookes were taken from Mr Thomas Nicolsone and the last clerk, and putt in the hands of the pretended Bischop of Sanct Androis, and soe of neidforce a course must be taken for getting of these bookes from the Bischop. Mr Archibald Johnstone said that, in Gods providence, als many books were come in his hands as sould be able to make up a perfite Register of the whole affaires of the kirk from the Reformatione untill this day; which bookes he produced on the table and declared by whom and what meanes they were come into his hands; to witt, Mr Robert Winrahame, depute Clerk under Mr Thomas Nicolsone, and from him to Alexander Blair, of which bookes there are five volumes in folio; but Mr Patrick Adamsone, Bischope of Sanct Androis, rent one of them, and there are yet four to the foir of them written be Mr James Ritchie and Mr Thomas Nicolsone, whereof the first two containes the Acts of Assemblie from the year 1560 to 1572, subscribed be Johne Gray, Clerk to the Assemblie: The third volume fra 1586 till 1590, written and subscribed in the margine be Mr James Ritchie, Clerk to the said Assemblie: The fifth booke, being ane great volume of the Acts of the Assemblie fra the year 1560 till 1590, (whereof he had but an len from an minister:) Whereof the first four volumes, the said Mr Archibald declaired that he had receaved them from Alexander Blair, Wreater, who was servand, and succeeded in the place of Modifications of Stipends to Mr Robert Winrahame, who had a deputation from Mr Thomas Nicolsone, Clerk to the Generall Assemblie.

The Moderator said, These are good and comfortable newis unto the Church of Scotland, that a perfect Register of the Acts of the Assemblies are yet to the foir; and that it was needful that course be taken for tryell of these bookes, whether they be these same bookes written be the clerks or be their deputes, or copies onlie of these bookes. It was ansuered be the clerk, that they are the same, written and sub-

scribed by the clerks owne hand; and the leaves riven out of ane of them by the Bischop, from the 22d to the 27th leaffe, may yet be knowen by the merkit number of the leaffis. The first Clerk wes Mr Johne Gray, who subscribed everie Assemblie with his hand. The next is also subscryved, and an memorandum on the first leaff of it, where Mr Archibald Huntar passed to the Chancellor Maiteland and receaved that volume and this uther, and the half of that which was rent by Bischope Adamsone; . . . . . The third booke, the first act of it is the election of Mr James Ritchie, Clerk, which booke is all of one hand writt. The one booke is from the 60 to the 70 year. The next from the 79, wherein the Bischope of Sanct Androis is censured and excommunicat. And now in Gods providence there is in the present clerks hands, a perfite Register from the 70 year to this last Assemblie, for which all of us have reason to praise God. The commissioner said, See that wee build on an sure foundation, and try well that these bookes be authentick. The Moderator craved, that some judicious men, and skilled in dignoscing handwritts, might be nominat for tryell of these bookes; and intreated the Earles of Lauderdaill, Southesk, and Argyle, to take inspection of the bookes. Argyle obiected his youth and unskillfulness for so weightie a charge, yet at command of the Commissioner he declaired his willingness to assist the worke. The Commissioner said, that if his owne paines could contribute any thing to the furtherance of the worke, he would be ready to sitt upp day and night, but would not lay that burthen on his Assessours; for, said he, seing it is refused that they should be members of the Assemblie, hee saw not how they could be appointed for trying of these Registers. The Moderator answered, Wee are hopeful that their Lordshipps will not refuse to further the good of this Assemblie, seing it is said here it is not for want of due respect wee owe to their Lordshipps, but onlie for preservation of the Kirks liberties as said is. The Commissioner said, I cannot see how these that are not granted to be members of this Assemblie, can cognosce bookes containing matters of so great weight. The Moderator answered, that they can best judge. The Commissioner said, but I cannot consent unto it: Therefore the Moderator said, let the skilliest of the clerks of Sessione, counsell and burrow clerks, such as the Laird of Durie, the clerk of Dundie, Mr Alexander Pierson, Advocate, be conjoined as their assessours, to help them of the ministerie, Mr James Bonar, Mr John Row, Mr Andro Ramsay, Mr Wm. Livingstown, Mr John Adamson, Mr Robert Murray. . .

Mr John Row ansuered, that he had yet in his hands the Booke of the Kirk Policie, subscryved be Mr James Ritchie, clerk, which will serve to dignosce the hand writt. Mr Archibald Johnstone said, hee had the principall Book of Policie, written in Lombard paper, in his hand, which also would conduce to that end; this being judged to be the fittest way for tryall of the Registers of the Kirk, and makeing them to be authentick.

Sessio 5. November 26. 1638.

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The Moderator then said, It is now expedient that the sufficiencie of the Kirk Registers be cleared, that they may be declaired authentick. The Commissioner ansuered, it is a good work; but I have some scruples not yet removed. Then said the Moderator, let some be appointed for tryell of the Registers; for the Assemblie being now fullie constitut, after the examination of all controverted commissions, may give them commission for tryell of the Registers, and let their testimonie anent the perfection of the bookes be given in the morne. The Names of the Committee, Mr Andro Ramsay, Mr John Adamsone, Mr John Row, Mr James Bonar, Mr Robert Murray, Mr Alexander Gibsone younger of Durie, Mr Alex^r Wedderburne clerk of Dundie, Mr Alex^r Piersone Advocat, with such others as they please to joyne with themselves.

Sess. 6. November 27. 1638.

The Moderator said, Let us beginne where we left at the tryell of the Records of Assemblies. There was a Committie appointed yesternight to give in their testimonie anent the authenticnes of the Registers. If it please your Grace, let their ansuere be heard. The Commissioner having assented, the Moderator called upone these who were appointed for the examination of the Registers to reporte their testimonie. Durie said, Please your Grace and this reverend Assemblie, wee shall either give in our reasones be word or in writt. The Commissioner said, I desire to heare you give them in any way you please. Then the reasones of the authenticknes of the Registers were given in in writt and read by the clerk.

The Moderator said, please your Grace, heir is the testimonie of these that have skill in trying the Registers better nor any here present; hes your Grace gotten satisfaction. The Commissioner answered, verilie it is a matter of very great importance, and there shall be no man more glad nor I to see the Registers of the Kirk fund reall and proven to be authentick. I am far from contradicting any thing that these worthie gentlemen hath done, for it were impertinent soe to doe. I can say nothing at the first hearing of a paper read, but it may be that many scruples come in my mynd concerning them, yea I have alreadie whereof I am not resolved. This is the first time that ever I heard it read, and therefore I cannot give my judgment of it. I must confesse my ignorance in thir things, and therefore I must be verie loath to give my assent or approbation to any thing wherein I am not both cleare and persuaded. The Moderator said, hes your Grace any scruples to propone for the present. The Commissioner

said, I must think upon it before I propone them. The Moderator said, I would desire this reverend Assemblie, that if there be any here, noblemen, gentlemen, or ministers, that if they have any thing to say against this information concerning the authoritie of the Registers, that they would propone them either now by word, or in a short time by writt, that this Assemblie may make a declaration that they ar authentick, and if no objection be made against them, wee will take your silence for an approbatioun of their authoritie: if you have anything to say, bring it foorth presentlie, if not, produce it in writt against the morne. The Commissioner said, I am verie confident that that is not the Regents hand writt. Durie answered, if it was not his hand writt it would have *sic subscribitur* as all other copies use to have. I will not affirme that everie reasone given in for proving the authoritie of the books is unquestionablie good; but que non prosunt singula, multa juvant. I daire say this farre: all the Registers of Sessione, counsell, and prime judicatories of this Kingdome are als farre short of the Registers of the Kirk, as these Registers are short of these things treated here. The Commissioner said, truelie, Sir, I cannot but acknowledge that these reasones hath cleared verie much, and verilie they have removed many scruples that I myself had before the hearing of them, soe that I will not contradict them; but I still doubt if that subscription be the Regents hand. Moderator said, If there be any brother that hes any coppie of James Ritchie, or John Gray, Clerks to the Assembly, their hand writt, lett them produce them to give furder informatioun, or confirme this informatioun, for possiblie some minister or other hes some record that may give testimony and approbation to this hand writt. Then Mr Johne Row produced an coppie of severall acts, and of the Booke of Policie, written by the said Mr James Ritchie, and subscrived with his hand, and other brethren of the presbitrie, which hee had keeped him selff now fiftie-two years; and the hand writt of the Assemblie Booke, and the coppies being compared and seene by the Commissioner himselffe, they were acknowledged to be ane hand writt. The Moderator said, if any man have anything to oppose against any of these bookes, let him now bring it foorth, that an act may be made; for if no man produce anything, they will be acknowledged by this Assemblie to be authentick hereafter.

Sess. 7. November 28. 1638.

The Moderator said, wee left at the testimonie which was given by skilled men, who were appointed for trying of the Kirk Registers, and their testimonie was read in your hearing, and wee requeisted all to bring in this day their obiections and scruples concerning these Registers; now wee crave that [any] one who pleases would obiect: for if no man obiect, ane act or record will be insert in the Bookes of the Assemblie, declairing that these books are authentick. The Commissioner said, no man here shall have greater joy nor I to see the Registers of the Kirk perfyte; and no man sall contribute more to it than I, being a matter of so great importance and weight; for upon the Acts sett down in these Books very much depends. But because yee have heard

many objections made be the Lords of Clergie and their adherents against the legalitie of the proceedings of this Assemblie, I am tyed yet to say somewhat; and I am sorry that I must protest against that in word, which my heart desires not. Sore greaved I have reason to be to protest against soe good a work as is the restoring of the Kirk to her Records; yet considering my many causes, which now I will not expresse, I am forcit to protest against it. For albeit these Books may be found authentick by the consent of this Assemblie, yet may I do nothing which may import either his Majesties assent to it or myne; and therefore here I make protestation against it. The Moderator said, wee onlie crave the Assemblies approbation; and if the pretendit Bischops, or any other, will take upon them to improve these Bookes, or any part of them, they salbe heard. It is pittifull that there sould be such a fearfull rent in our Church, and that any pointe of the cause of it sould be impute to auctoritie, if wee consider what a sweet unitie was once in this Kirk;—to cleare this unitie, I will read a testimonie out of the Preface of the Booke, called the Harmonie of the Confessioun of the Reformed Kirkes. After the reading of it in Latine, he exponed it, shewing the rare priviledges of the Kirk of Scotland beyond other Kirkes; that for the space of 54 years, it remained in puritie of doctrine and discipline without any errour or schisme; and gave a reason of it, because the Kirk of Scotland was reformed in doctrine and discipline according to the word of God: so it is cleare this Kirke once had unitie; and it is cleare also by what meanes and instruments schisme hes come in. The Commissioner said, I pray God this Kirk may injoy that puritie 40,000 years more, if the world shuld indure so lang; yet I must protest in more pathetick wordes against the auctoritie of these bookes, (for I did it in modestie before.) Albeit, I would give my estate, and venture my life, in furthering the Church to be restoired to her Registers; but because of the manifold exceptiouns I gave against the way of the meeting of this Assemblie, and against sundrie persones which are members of it, I protest heir, that neither the Kings Majestie nor the bischops be wronged be any act in these books; and that they are not oblist be the acts of any book, which is not subscryved be the clerk of Assemblie. My Lord Rothes said, your Grace promised to propone some scruples against these bookes, wherein your Grace was not yet satisfied, which wee desire to heare; for they are found of all who have tryed them, comparatively authentick, and otherwayes also. The Moderator said, wee are sure if his Grace had perused these bookes, hee would approve them also. The roll being called be the clerk, the Moderator asked if the Bretherene did approve the Registers, who answered, that they did; and desires that the reasones of the approbatione might also be insert in the Bookes of Assemblie; and that there was not any protestatione made by his Majesties Commissioner. They desired also that the Bischop of Sanct Androis might be summoned for the productioun of these bookes which are wanting.

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Act approving the Registers.

Anent the report of the Assemblies judgement of the authority of the books of Assembly; The Moderatour having desired that if any of the Assembly had any thing to say, they would now declare it, otherwise they would hold all approven by the Assembly.

The Commissioner his Grace protested that the Assemblies approving these books, or any thing contained in them be no wayes prejudiciall to his Majestie, nor to the Archbishops and Bishops of this Kingdome, or any of their adherents; because he had some exceptions against these books. My Lord Rothes desired these exceptions to be condescended on, and they should be presently cleared, and protested that these books should be esteemed authentick and obligatorie hereafter.

The whole Assembly all in one voice approved these books, and ordained the same to make faith in judgement, and out-with, in all time comming, as the true and authentick Registers of the Kirk of Scotland, conforme to the testimonie subscribed by the Committie, to be insert with the reasons thereof in the books of Assembly: Whereof the tenour followeth.

We under-subscribers, having power and commission from the Generall Assembly now presently conveened, and sitting at Glasgow, to peruse, examine, and cognosce upon the validity, faith, and strength of the books and registers of the Assembly under-written, to wit: A register beginning at the Assembly holden the twentie day of December 1560, and ending at the fourth session of the Assembly holden the 28. of December 1566.

Item another register beginning at the Generall Assembly, holden the second day of Iune 1567, and ending at the fourth session of the Assembly holden at Perth the ninth day of August 1572, which register is imperfect, and mutilate in the end, and containeth no leaf nor page, after that page which containeth the said inscription of the said fourth session, which two registers bears to be subscribed by Iohn Gray, scribe.

Item a register of the Assembly holden at Edinburgh the seventh day of August 1574, and ending with the twelfth session, being the last session of the Assembly 1579.

Item another register beginning at the Assembly holden at Edinburgh the tenth of May 1586, and ending in the seventeenth session of the Assembly holden in March 1589.

Item another register being the fifth book, and greatest volume, beginning at the Assembly holden in Anno 1560, and ending in the year 1590.

Having carefully viewed, perused, and considered the saids registers, and every one of them, and being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our conscience declare to the world and

this present Assembly, that the saids foure registers above expressed, and every one of them, are famous, authentick and good registers: which ought to be so reputed, and have publick faith in judgement and out-with, as valid and true records in all things; and that the said fifth and greatest book, beginning at the Assembly 1560, and ending 1590, being margined by the hand-writs of the Clerk, and reviser of the registers, cognosced, and tryed, and agreeable to the other foure registers, in what is extant in them, ought also to be free of all prejudice and suspicion, and received with credit. And in testimony of our solemne affirmation, we have subscribed these presents with our hands.

Sic subscribitur.

Master Andrew Ramsay.
Master Iohn Adamson.
Master Iohn Row.
Master Robert Murray.
Master Alexander Gibson.
Master Iames Boner.
Master Alexander Peerson.
Master Alexander Wedderburn.

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Reasons prooving the Five Books and Registers produced before the Assembly to be authentick.

The books now exhibited unto us under-subscribers, which we have revised and perused by commission from the Generall Assembly, are true registers of the Kirk: to wit, Five volumes, whereof the first two contain the acts of the Assembly, from the year of God 1560, to the year 1572, all subscribed by John Gray, Clerk. The third from the year of God 1574, to the year 1579. The fourth from the year of God 1586, to the year 1589. At which time Master James Richie was Clerk, who hath frequently written upon the margine of the saids two last books, and subscribed the said margine with his hand-writing. And the fifth book being the greatest volume, containing the acts of the Generall Assembly, from the year of God 1560, to the year 1590, which agreeth with the foresaids other foure books and registers, in so far as is extant in them, and further recordeth what is wanting by them, passing by what is mutilate in them, and which with the two volumes produced by Master Thomas Sandilands from the year 1590, to this present, maketh up a perfect register.

I. For the first two volumes subscribed by John Gray, albeit it be not necessar in such antiquitie to proove that he was Clerk, seeing he designs himself so by his subscription, yet the same is made manifest by an act mentioned in the third book, in the time

of Master James Richie, who succeeded him in the said office, and his hand-writ was acknowledged by sundry old men in the ministery.

II. The uniformitie of his subscriptions through both volumes, evident by occular inspection above the ordinarie custome of most famous Notars, delivers the same from all suspicion, in facto tam antiquo.

III. There be many coppies, specially of generall acts, yet extant, which do not debord from the saids registers, but are altogether agreeable thereto.

IIII. It is constant by the universall custom of this Kingdome, that all registers are transmitted from one keeper to his successour, and so comming by progresse and succession from the first incumbent to the last possessour, are never doubted to be the registers of that judicatorie, whereof the last haver was Clerk; and therefore it is evident, that these books comming successively from John Gray, Master James Richie, and Master Thomas Nicolson, who were all Clerks to the Assembly, into the hands of Master Robert Winrame, who was constitute Clerk depute by the said Master Thomas Nicolson (as his deputation here present to show, will testifie) are the undoubted registers of the Assembly: like as Alexander Blair succeeded the said Master Robert in his place of Clerkship to the assignations and modifications of Ministers stipends; and during Master Robert his life-time, was his actuall servant, and so had the said books by progresse from him, which the said Alexander is readie presently to testifie.

V. The two registers of Master James Richie, albeit not under his own hand, yet are frequently margined with his own hand-writ, and the same marginall additions subscribed by him, which hand-writ is seen and cognosced by famous men, who knoweth the same, and is evident, being compared with his severall writings and subscriptions yet extant.

VI. The saids registers are more perfect, lesse vitiated, scored, and interlined, than any other authentick and famous registers of the most prime judicatories within this Kingdome.

VII. Master Thomas Sandilands, in name of his father, who was late Clerk by dimission of Master Thomas Nicolson, hath produced a volume, which proveth the saids two registers of Master James Richie to be sufficient records; because that same volume is begun by that same hand, whereby the said Master James Richie his registers are written, and is subscribed once in the margine by Master James Richie his hand, and is followed forth, and continued in the same book by Master Thomas Nicolson, who succeeded him in the place, and was known by most men here present to be of such approven worth and credit, that he would never have accomplished a register which had not been famous and true: and whereof the hand-write had not then been known to him sufficiently.

VIII. That Register produced by Mr Thomas Sandilands, and prosecuted by Master Thomas Nicolson, proves the first part of that register to be true and famous, and that first part being by ocular inspection of the same hand-writ, with Master James

Richies registers, and subscribed in the margine with the same hand-writ, proveth Richies two books to be good records, and Richies registers doth approve Grays books by the act of Assembly before written: specially considering the same hath come by progresse and succession of Clerks, in the hands of Alexander Blair, now living, and here present.

IX. The compts anent the thirds of benefices between the Regent for the time, and the Assembly, in the second volume, page 147, are subscribed by the Lord Regents own hand, as appeareth: for it is a royall-like subscription, and there is no hand writ in all the book like unto it, and beareth not Sic subscribitur, which undoubtedly it would do, if it were a coppie.

X. Master James Carmichell was commanded by the Generall Assembly 1595, Sess. 9. in the book produced by Master Thomas Sandilands, to extract the generall acts forth of their books; and it is evident that these books are the same which he perused for that effect, because he hath marked therein the generall acts with a crosse, and hath designed the act by some short expression upon the margine, which is cognosced and known to be his hand-writ, by famous and worthy persons: which is also manifest by the said Master James his band and subscription, written with his own hand in the last leafe of the said books; as also acknowledged in the said book, produced by Master Thomas Sandilands, wherein the said Mr James Carmichell granteth the receipt of these, with some other books of the Assemblies.

XI. The registers produced, are the registers of the Assembly, because in Anno 1586, the Assembly complaineth that their registers are mutilate: which hath relation to Richies third book, which is lacerate and mutilate in divers places without any interveening of blank paper, or any mention of hic deest.

XII. If these were not principall registers, the enemies of the puritie of Gods worship, would never have laboured to destroy the same: which notwithstanding they have done; as appeareth by the affixing and battering of a piece of paper upon the margine, anent a condition of the commission not to exceed the established discipline of this Kirk, subscribed by the Clerk, book 3, page 147. And the blotting out the certification of the excommunication against Bishop Adamson, book 4, page 30, who in his Recantation generally acknowledgeth the same: but which, without that recantation, cannot be presupponed to have been done, but by corrupt men of intention to corrupt the books, which were not necessary, if they were not principall registers.

XIII. In the Assembly 1586, the Church complained upon the Chancelour his retention of their registers, and desired they might be delivered to their Clerk, which accordingly was done; as a memorandum before the beginning of the first book, bearing the redeliverie of these foure books to Master James Richie, Clerk, proporteth; which clearly evinceth that these foure books are the registers of the Assembly.

XIIII. The said fifth book and greatest volume, is also marked on the margine, with the hand-writ of the said Mr. James Carmichell (which is cognosced) who was appointed to peruse the books of the Assembly as said is, and would not have margin-

ed the same by vertue of that command, nor extracted the generall acts out of it, if it were not an approbation thereof, as an authentick and famous book.

XV. The said fifth volume doth agree with the other foure books, in all which is extant in them, and marketh the blanks, which are lacerate and riven out of the same; and compleateth all what is lacking in them.

XVI. In the book of Discipline pertaining to Master James Carmichell, subscribed by himself, and Master James Richie, there are sundry acts and passages quotted out of the said fifth great volume, saying, It is written in such a page of the book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other; so that Master James Carmichell reviser of the Assembly books, by their command, would not alledge that book, nor denominate the same a book of the Assembly, if it were not an authentick famous book.

XVII. Though the corrupt nature of man hath been tempted to falsifie particular evidents, yet it hath never been heard that any whole register hath ever been counterfeited; neither can it be presupponed that any will attempt that high wickedness, seeing the inducements answerable to that crime, can hardly be presupposed.

XVIII. It is certain, and notour to all these who are intrusted with the keeping of the publick records of the kingdome, that the same are never subscribed by the Clerk, but only written and filled up by servants, and most frequently by unknown hands, yet they and the extracts thereof make public faith, and the same are uncontrovertedly authentick registers; and when the most publick registers of the kingdome shall be seen, and compared with these registers of the Assembly, it shall be found that these other registers of the most soveraigne judicatories ever unsubscribed are more incorrect, oftner margined, scored, and interlined, made up by greater diversitie of unknown hand-writs, than these books of the Assembly, which by speciall providence are preserved so intire, that in the judgement of any man acquainted with registers, they will manifestly appear at the very sight to be true, famous, and authentick.

XIX. The fame and credit of ancient registers in this kingdome, is so much reverenced, that if any extract be different or disconforme from the register, that extract, albeit subscribed by the person who for the time had been of greatest eminence in the trust of registers, will be rectified, conforme to the register, and have no force, so far as it debordeth there-from; although the registers be written with an obscure, unknown hand, and unsubscribed.

II.

In the General Assembly holden at Edinburgh, a.d. 1639.

Sess. 18. 26. August 1639.

Act approving an old Register of the Generall Assembly.

The whole Assembly (upon the report made to them anent the old Register of the Assembly, gotten from Master John Rig) All in one voice approved the said Register, And ordained the same to make faith in judgement, and out-with, in all time coming, as a true and authentick Register of the Kirk of Scotland, conforme to the testimonie subscribed by the Committee, to be insert in the Books of Assembly: whereof the tenor followeth;

We under-subscribers, Forsameikle as the late Generall Assembly holden at Glasgow, gave power and Commission to us, To peruse, examine, and cognosce upon the validity, faith, and strength of the books and Registers of the Assembly, particularly set down in the Commission given to us thereanent: According whereunto we did carefully view, peruse, and consider the saids Registers, and gave our testimony thereof under our hands, of the validity and sufficiencie of the samine, to the said Generall Assembly. And now having a new Commission given to us from the Generall Assembly now presently conveened and sitting at Edinburgh, To peruse, examine, and cognosce upon the validity, faith and strength of another Register of the Assembly, which was not set down and recommended to us by the said former Commission, which Register beginneth at the Assembly holden at Edinburgh the sixth day of March 1572, and endeth at the Assembly likewise holden at Edinburgh 1573; We have carefully viewed, perused, and considered the said Register: And being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our consciences declare to the world, and this present Assembly, That the said Register above exprest, is a famous, authentick, and good Register, which ought to be so reputed, and have publike faith in judgement and outwith, as a valid and true Record in all things, And finds the same to be of the same hand-writ, and subscribed by the same Clerk of the Generall Assembly, as divers of the said other Registers (formerly perused by us) are. And in testimonie of our solemne affirmation we have subscribed these presents with our hands, at Edinburgh the
day of August 1639.

III.

Extracts from the Proceedings of the Commission of the General Assembly 1651.

Perth, 4 Jan. 1651. Ante meridiem.

Act concerning the securing of the Registers.

The Commission of Assembly being desyred by my Lord Register in his letter, and by the Clerk, to consider what they thought fitt to doe with the Registers of the Kirk, which for securitie were putt in the Castle of Edinburgh, seing that hold was now surrendered to the Enemie: And they having taken it into consideration, doe appoynt the Clerk with all diligence to bring the Registers over to this syde of the water, that they may be once out from the enemies hands: And thereafter that he, with advyse of the Moderator and the Lord Register, take some course for their securitie and preservation in this tyme of danger; committing it to their special care; and that report be made thereof at the next meeting. (Minutes, p. 160.)

(Letter from Sir Archibald Johnston, Lord Clerk Register, above referred to.)

Right Reverend,

The parlment commands me to taike their Registars to Stirling Castel, tho I think they would be saifer in Dumbarton Castel, or in the Basse, provyding they be weal garrisoned and victualled. I desyre to know the advyce of the Commission whair to putt the Registers of the Kirk, as may lead most to their preservation and my exoneration: so leaving all vther things to the bearer, I rest, your humble servant,

A. JOHNSTON.

Edinburgh, 30th December [1650.]

To the Right Reverend Mr Robert Douglas, Moderator of the Commission of the General Assemblie, at Perth.

Sanct Androis, 24 Ja^{ry} 1651. Post meridiem.

ACT FOR SECURING THE REGISTERS.

The Commission of the Generall Assembly vnderstanding by the Clerk that the Kirk Registers which were in the Castle of Edinburgh, were now brought to this side of Forth, according to a former order; and that it is the earnest desire of the Lord Register by his letter, and of the Moderator and Clerk, to whom the care of securing them was committed at the last Meeting: That now the Commission would themselves prescryve what they thought fitting to be done for their security and preservation in this tyme of danger: Therefore they doe appoynt them to be putt in the Basse, to be preserved there; and the Laird of Wauchton, to whom that strength belongs, being personallie present, most gladlie offered to receave them, promissing his outmost care to secure and preserve them from all danger. (Minutes, p. 212.)

FALKLAND. 23 Aprile 1651. Post meridiem.

ACT FOR THE KIRK REGISTERS.

The Commission of Assembly having heard by the Clerk, that according to their former order, he had putt the Kirk Registers in the Basse; onlie the great volume, which is a double of sundrie of the old Registers, he had not putt there by the advise of the Lord Register, conceaving it was more fitting, sieing it was a double, and made an authentick Register at Glasgow, that it should rather be putt in some other sure place, than to be keeped in the same place with the remanent books and registers. The Commission of the Assembly being verie glad and well satisfied that the Registers were now, in this time of trouble and danger, in the Basse, doe approve well thereof, and of the advice given by the Lord Register, and the course taken by the Clerk, for keeping that great volume, which is an authentick double of the Acts of diverse Assemblies, from the remanent Registers, to be putt in some other sure place: And do appoynt the Clerk to putt the same in Dunottar, to be keeped there safely: And that the Moderator speak or writt to the Earle Marschall, that his Lordship may be pleased to give order for receaving and securing thereof in that place carefullie. (Minutes, p. 317.)

IV.

Extracts from the Proceedings of the Synod of Lothian and Tweeddale, 1593—1595.

At the Synod of Lothian and Tweddale, held at Dalkeith, 3 April 1593.

Sess. 3tia. iiij Aprilis 1593.

Tryell of the Presbyterie of Hadingtone.

Item being accusit that sum of thair brether, and in speciall, Mr James Carmichel, had nocht made the exerceis sen the last Assemblie, answerit: That Mr James was continewellie burthenit with the common cause of the kirk, quhairunto be the kirk he was employit. The Assemblie, (i. e. The Synod) finding his imployment in the common turnis to haif drawin him away from the discharge of his awin calling, dischargis the said Mr James of the samin, and ordains that he awaitt vpon the cure of the kirk of Hadingtone.

Ordanis Mr James Carmichel to collect the Acts of the Generall Assemblie, that euerie brother may haif the copie of thame.

At the Synod, &c. at Edinburgh, 2d October 1593.

Sess. 3tia. 3 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining Mr James Carmichell, according to his promeis, to collect the Acts of the Generall Assemblie, that euerie brother may hawe the copie of thame: And the brether of that Presbyterie [of Hadingtone] reporting that thai vnderstand Mr James to be diligent in that wark, it is ordanit that thai trawell with the said Mr James to perfyte the wark.

At the Synod, &c. at Dunbar, 3d Aprilis 1594.

Sess. 3tia. 3 Aprilis.

Anent the ordnance maid in the last Assemblie, ordaining the brether of the Presbyterie of Hadingtone to trawell with Mr James Carmichell, for collecting the Acts of the Generall Assemblie: According heirunto the said brether declaring that thai had trawellit with the said Mr James, quha had the said Acts in reddines: It is ordanit that he present thame to the Presbyterie of Edinburgh.

At the Synod, &c. at Edinburgh, October 1594.

Sessio 3tia. 2 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining thair brother Mr James Carmichael according to his promeis to have the extract of the Acts of the General Assemblie and to present thame to the Presbytrie of Edinburgh. According herevnto the said Mr James declairing that the said Acts wer in reddines gif he had the help and assistance of a wryter to help him in the wark. The Assemblie appointis the brether Thomas Greg and Daniel Vallace to assist and help the said Mr James in vryting and thairefter that the said Mr James present the said Acts to the Presbytrie of Edinburgh betuix and Februar nixt.

At the Synod, &c. at Mussilburgh, April 1595.

Sessio 3a. 2 Aprilis.

Anent the ordnance maid in the former Assemblie ordaining Mr James Carmichell to perfyt the wark begun be him concerning the extracting of the Acts of the Generall Assemblie. According heirvnto the said Mr James declaring that he had perfyttit twa warks, the thrid remanit, quhilk he producit before the Assemblie. Quhilk being sichtit, It is ordainit that he do quhat lyis in him to perfyte the haill wark betwix and the nixt Generall Assemblie, and for this purpos the brether appointit in the former Assemblie to assist him in vryting.

At the Synod, &c. at Edinburgh, October 1595.

Sessio 4a. (9 October.)

Anent the ordinance maid in diuers assemblies of before ordaning thair brother Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the acts of the Generall Assemblies. According heirvnto the said Mr James being inquyritt quhat he had done in the said wark, declairit that as yet he had not perfytit the same, the Assemblie desyritt that he wald do quhat lay in him to perfyte the same; and hes appoyntit thair brether Thomas Greg and Daniel Vallace to help him in vryting.

V.

Extracts from the proceedings of the Select Committee of the House of Commons on Church Patronage, 1834.

Mercurii, 23° die Aprilis, 1834.

Resolved,—That Mr. A. Johnston, the Reverend Dr. Lee, the Reverend Dr. Welsh, Mr. James Chalmers, of London, and the Reverend Principal Macfarlane, be requested to proceed to Sion College, London Wall, for the purpose of inspecting the books presented to the trustees of that College by the late Mr Campbell, and to report to this Committee if in any or in what degree, these books afford information connected with the inquiry on Church Patronage in Scotland.

(signed) *Geo. Sinclair*, Chairman.

Veneris, 25° *die Aprilis*, 1834.

The Rev. *John Lee*, D.D., again called in; and examined.

. . . . . .

Since I had formerly an opportunity of giving evidence before the Committee, I have had access to the Records of the Church of Scotland in Sion College, London, and I am fully satisfied that those volumes (which I am quite certain are authentic records) contain a great mass of information in a more complete and certainly in a more correct form than anything that has been exhibited in any of the publications upon the subject which I have ever seen. In particular, I may state that there are some of the proceedings of the Assembly, or rather Convention, of 1562, which have for at least 100 years been a matter of dispute; one entry has been quoted by several authors with relation to the Bishop of Galloway, Mr. Alexander Gordon, who, it is said by Calderwood, was refused admission to the office of superintendent because he had not observed the order of calling superintendents, and in the meantime was required to subscribe the Book of Discipline. That any such order was communicated to him has been strongly denied by some of the controversial writers upon the subject, and not without reason, because the book, which in Scotland was looked upon as the transcript of an authentic record of the Church, does not contain any such fact.

At the same time, I may now state with confidence, that this particular is inserted in the Record of the Church, though not by any means in the form in which it has been quoted by different writers. I perceive that there are other entries on the same subject which are much more detailed in those volumes than they are in any of the books in the possession of the Assembly; but from the short time during which I had an opportunity of inspecting the volumes, I cannot be expected now to furnish any particulars of importance. I merely refer to these books as sources from which authentic information may be derived.

At what period does the date of that book commence, and to what period does it extend?—It consists of three volumes; the first begins with the first General Assembly of the Church of Scotland in 1560, and ends in the year 1589; it contains nearly 1,300 pages, each of which is more crowded with matter than a page of this book which I now hold in my hand, and the number of pages in this book, extending to the same period, is about 380. The second volume begins with the year 1590 and ends in March 1596, or according to our present computation, 1597. The third begins with May 1597, and ends in August 1616. These books embrace the whole period between 1560 and 1616. Here is an abstract of the contents of the whole books made before they were deposited in Sion College; it contains a fac-simile of the manner in which the books are attested both at the beginning and end.

Can you produce the Report of the Committee appointed to inspect the books belonging to Sion College?—This is the Report, which I now beg to give in.

[*The Witness delivered in the same, which was read, as follows:*]

London, 24 April 1834.

In obedience to the order of the Committee of the House of Commons on Church Patronage, Scotland, we have this day, within the Library of Sion College, London Wall, inspected three books, in manuscript, bearing to be records of the proceedings of the General Assembly of the Church of Scotland, from 1560 to 13 August 1616. We have also read the deed of agreement, by which said books were gifted by Mr. Archibald Campbell to the trustees of Sion College; and we crave leave humbly to report, 1st, That in our opinion, these Records are the genuine and authentic register of the proceedings of the General Assembly of the Church of Scotland, for the above period; and, 2d, That they contain much information connected with the enquiry on Church Patronage in Scotland.

And^w Johnston. *John Lee.*
D. Macfarlan. *Ja. Chalmers.*

Perhaps I may be allowed to state in addition, that the Committee were at pains to compare the earliest and most important volume with a document which I formerly produced before the Committee, containing, along with other matters, the Book of

Discipline, which belonged to Mr. James Carmichael, minister of Haddington. This document is referred to in the Acts of the General Assembly, 1638, in which the reasons for considering that earliest volume an authentic register are inserted; and not only did the book appear to be in the hand-writing which is stated in the Acts of the Assembly to be at least partly found in it, but it likewise contained passages which are there said to be found in particular pages marked by Mr. James Ritchie, the Clerk of the Assembly. The passage is very remarkable, but it would detain the Committee perhaps to mention it, though if any report is to be given upon the subject it might be material. It is stated in the printed Acts of the General Assembly, 1638, that what is called "the 5th book and greatest volume is marked on the margin with the hand-writing of Mr James Carmichael, which is cognosced, who was appointed to peruse the books of the Assembly, and would not have margined the same by virtue of that command, nor extracted the general acts out of it, if it were not in approbation thereof as an authentic and famous book. In the Book of Discipline pertaining to Mr. James Carmichael, subscribed by himself and by Mr. James Ritchie, there are sundry acts and passages quoted out of the said 5th great volume, saying it is written in such a page of the Book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other; so that Mr. James Carmichael, reviser of the Assembly Books by their command, would not allege that book, nor denominate the same a book of the Assembly, if it were not an authentic famous book." Now this little volume to which I have referred contains references to pages 839, 873, and 828, all of which on comparison were found to correspond with that earliest record.

Have you any further particulars to communicate collected from the inspection of the books at Sion College?—No, I think that nothing occurs to me, except that the second and third volumes are subscribed in a hand-writing which is well known to me, that of Thomas Nicolson, who was long Clerk of the Assembly; and on a former occasion I had an opportunity of comparing the hand-writing of that individual with the hand-writing which is upon these two volumes.

Veneris, 2° die Maii, 1834.

The Rev. Robert Watts, junior, called in and Examined.

Have you any communication to make to the Committee with regard to the order that was transmitted for sending the books at Sion College to this Committee?—I was directed to give the Committee this paper for their inspection.

[*The Witness delivered in the same, which was read, as follows:*]

At a Meeting of the Governors of Sion College, holden on Thursday, the First day of May 1834;

Present—The Rev. Mr. Burgh, President;
Mr. Bellamy, } Deans;
Mr. Saunders, }
Mr. Beresford, Assistant:

The Secretary stated, that he had summoned this court in consequence of the Rev. Robert Watts, junior, Assistant Librarian having received a summons from a Select Committee of the House of Commons on the Patronage of the Church of Scotland, to produce the three volumes of the Book of the Church of Scotland, gifted by the late Mr. Archibald Campbell, and also the deed of gift of the said books.

Upon which the Court took this matter into their consideration; and the deed of gift being read,

It was resolved,

That this Court are extremely anxious to comply with the order of the Committee of the House of Commons, so far as is consistent with the trust under which they hold the books, and are therefore willing that any inspection of them should take place, and that a transcript should be made of the said books by such persons as the Committee may appoint, but that the deed of gift expressly restricts them from parting with the custody of the books themselves.

That the Rev. Mr Watts, junior, do attend the said Committee to-morrow, and produce to them the deed of gift; and humbly express to them the opinion of this Court, which has been corroborated by that of Sir Nicholas Tindal when solicitor-general; and that this Court trust the Committee will not compel them to part with the custody of the manuscripts, in express violation of their trust.

Have you any thing further to state to the Committee upon this subject?—With regard to the deed of gift, just at the conclusion of it, the Committee will observe, that the copies are directed to be made in the Library; that is the part upon which the directors found their desire not to give them up. It is implied, at least their legal advisers say so, that they are not to let them go out of the Library.

[*The Witness withdrew.*]

The Witness was again called in, and informed that the Committee had resolved that the books should be produced on Monday next.

Lunæ, 5° die Maii, 1834.

The Rev. Robert Watts, Junior, called in, and further examined.

Will you produce the books which you were ordered to produce on the last occasion?—These are the books.

Will you have the goodness to state what those books are which you produce?—Manuscript Records of the Kirk of Scotland.

How many volumes are there, and of what date?—Three volumes; from 1560 to 1619.

[*The same were delivered in.*]
[*The Witness withdrew.*]

The Witness was again called in and informed, that the Committee wished the books to lie upon the Table for their inspection, and that the Committee would send to him when they wished them to be returned.

VI.

THE FOLLOWING LIST OF THE ORIGINAL BOOKS OF THE GENERAL ASSEMBLIES OF THE CHURCH WILL SERVE TO EXHIBIT IN ONE VIEW THEIR DATES AND HISTORY.

1.	Dec. 20, 1560 to Dec. 28, 1566.	Produced in 1638 by Warriston.
2.	June 2, 1567 — Aug. 9, 1572.	
3.	March 6, 1572 — March 6, 1573.	Produced in 1639 by Rigg.
4.	Aug. 7, 1574 — July 1579.	
5.	July 12, 1580 — Oct. 1583.	Produced in 1638 by Warriston.
6.	May 10, 1586 — March 1589.	
7.	Aug. 1, 1590 — May 17, 1597.	Produced in 1638 by Sandilands.
8.	March 7, 1597 — Aug. 13, 1616.	

Of these eight Original volumes, the four recovered by Warriston and produced to the Assembly 1638, viz. the first, second, fifth, and sixth, and that produced by Rigg in the Assembly 1639, being the third of the series, have not been traced beyond their transfer from the Bass to the Tower of London. Of the fourth original volume, no trace whatever has been found. In the Assembly 1638, it was evidently conjectured or supposed to be in the possession of Archbishop Spottiswood. The two original volumes, viz. the seventh and eighth, obtained by Sandilands from the Archbishop, and produced to the Assembly 1638, together with the large duplicate volume, recovered by Warriston, were certainly those ultimately destroyed in 1834.

VII.

Documents referred to in the Preface, Page ix.

1.—Letter from Mr William Grant of Preston-Grange, Procurator of the Church, May 3, 1733.

To the very Reverend Moderator of the General Assembly of the Church of Scotland at Edinburgh.

Reverend Sir,

The Commission of the last General Assembly, by their Act of the fourteenth of March last, did appoint me to take a view of a Manuscript of the old Acts of Assembly, and if I judged them true and authentick, to cause the same to be transcribed.

In obedience to this appointment, I have several times view'd the Mss. and conferred with Mr Campbel, the Proprietor of them; but neither can I take upon me to judge whether they are true or authentick, tho to be copyed I think they would well deserve. But the Gentleman insists on other conditions than were at first explained or made known to the Commission, or to me till I saw him here. All therefore that I can do, is to explain as well as I can at a distance, what these Mss. are, and upon what terms we can have the Mss. or a Copy of it; and then the General Assembly may judge what shall be done.

To give you some view of the contents of these Books, which are three Volumes, one greater, and two smaller, and all in Folio, I have employed one to take a note of the several Assemblys, their date of commencement, and number of Sessions, and the time appointed for the meeting of the next Assembly, as oft as that is found in the Mss. And a great part of this Abstract I have myself compared, and corrected by the Mss. itself, and the rest caused to be done by another than the transcriber. He has likewise set down the words prefixed and subjoined to the great Volume, which appears to be signed by A. Johnstoun of Waristoun; and the Title prefixed to the 2d Volume; and the names of Moderators; and the places where subscriptions appear in the Mss. This was the best view that I could think of giving, such as could be sent in a letter. Any account or abstract of the contents or matters of the Acts themselves would have been bulky, and required time to prepare.

The subscriptions appear to me to be true and original. Those of Waristoun to the first Volume I compared with three other authentic Subscriptions of his, fur-

nished by his son the Secretary; and with these the Mss. agrees, except in the (hon) h*, which is thus writ in the Book, tho the others have no such tail subjoined; yet the air and appearance agree together; and perhaps that singularity was added to his Office-Subscriptions, to distinguish these from his ordinary ones. The other two Volumes are both signed by T. Nicolson; but I had nothing to compare these with, tho they have likewise the appearance of originals.

Such are these Mss. and upon them the Hon. Mr Archibald Campbell, the owner, sets a very high value; and declares his resolution, that if he shall not part with them, or publish them in his own lifetime, he will take care that they shall be carryed out of this Kingdom, where they cannot be come at, after his decease.

His present Resolutions and demands are these:

That in case encouragement shall be given for printing the Mss. he will then allow it to be copyed in order to Publication, and not otherwise.

That the General Assembly shall be at the charge of making a Copy for the Press, which will cost about £30 St^g.

That being published, the General Assembly may retain the Copy that shall be so made, and collated with the Original; and shall further have the refusal, or first offer of the Original Mss. itself, they being willing to give him the same price for it, that he can get from any other person.

What will be encouragement sufficient for printing it, you'l see by Mr Millar the Bookseller's Proposal; and it is in case 300 Subscriptions shall be obtained in Scotland.

At the same time, it is not meant or desired that the Publication should be by authority of the Church, as if these were cognosced and judged authentick Registers; but merely as the act of the private Proprietor of the Mss.

Mr Campbel thinks, that for the Mss. itself, even after it is printed, he can get a hundred Pounds St.

Thus I have laid before you the case as it stands, and shall not presume to offer any opinion. The Mss. appears to be valuable, and well worth having, either the Principal, or an Authentick Copy, if it could be had on reasonable terms. And the question to be determined is, Whether the value of this, or the difference betwixt this and such other Mss. as we have already in Scotland, be worth the purchasing on the terms above mentioned.

. . . . . .

I am, with great respect,
REVEREND SIR,
Your most Humble and most Obedient Servant,
WILLIAM GRANT.

London, May 3d 1733.

* See fac-simile of Wariston's signature, page XLVI.

2.—Proposals for Printing by Subscription—The Acts of the General Assembly of the Church of Scotland from the Reformation to 1616 inclusive, in 2 Vols. in Folio.

I. This Book will contain about 200 Sheets, and will be printed on a good Paper and Letter.

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III. The Price to Subscribers to be 2d ℔ Sheet, but as the number of Sheets it will make is uncertain, half a Guinea is proposed to be paid down, and the Remainder on the Delivery of a Book in quires.

IV. Those who subscribe for Six shall have a Seventh Gratis.

N.B. The Names of the Subscribers shall be Printed before the Work.

Subscriptions are taken in by Andw Millar Bookseller, against St Clement's Church in the Strand, London: and by Gavin Hamilton, Bookseller in Edinburgh.

3.—Mr Wodrow's Letter anent Registers. Oct. 29, 1733.

Dear Sir,

Yours of 10 did not reach me till the 17. I have carefully perused all the Papers you so kindly send me, and have collated the Table which I see hath 2 or 3 errors in it,—John Hay for George Hay, and some others. The abstract gives some more light; but if it had noticed the first and last words of every Session, it would have afforded much more.

Now I am satisfied, The Record in Mr Campbells hands, is distinct and a different copy from these we have in Scotland: But whether the differences be so considerable betwixt them as to answer the high price he setts on his Mss. I cannot yet judge. Indeed I hesitate much upon it.

Before I come to give you the deffects I observe in my copy, which I suppose agrees very much with that Dr Fraser sent down, and the 5 or 6 others we have, let me observe from the printed Acts of Assembly 1638, p. 3. line last. Fol. edit. that at that time there were many copys specially of General Acts then extant, which they say agree with the Registers which they are proving to be authentick. Of this kind I take our present copys to be. These Acts of general use were appointed to be extracted by Mr Craig and others about 1592: But whether our copys be that extract I cannot say. They seem to be very large, and contean many things as to particular persons, one would think are of no general use.

The observations that offered themselves to me, upon collating the large Abstract

and short Table with my copy are these. The adjournments in the Record are pretty often wanting in the copy. The Moderators alwise agree. The Title of the Assemblys differs more in words then in sense as far as the Abstract goes. The Record generally leaves out Superintendants, Ministers, and Commissioners from Shires and Countrys, which is pretty often in the Title of the copy. Two things make the Table the more useless to me in this collation. The Copy pretty often agrees in the number of Sessions; but then it leaves severall of them. It will have Sess. 1 & 3 & 6. and yet they agree in the totall number; and its probable from the Abstract 1562, that Sessions in one Assembly are putt together, without numbering; and perhaps the Table is taken from the last number of the Record, and may want some of the intermediat Sessions. Some of the differences I have observed between the Record and Copy are as follow.

Ass. 1563, Decr. 25, Session 2d is wanting in the Copy.
— 1564, June 25, Session 3d is wanting in the Copy.

In both these the Mss. Calderwood hath extracts which the Copy wants. From this and Calderwoods numbering every Assembly exactly the same way with the Table, I guess Calderwood hath made his extracts from the Records.

Ass. 1567, July 21. Sessio 4 & 5 wanting in the Copy.

Calderwood hath extracts out of the 5 Session.

Ass. 1567, Dec. 25. 6 & 7 Sessions wanting in the Copy.
Calderwood hath extracts from both.
Ass. 1568, Feb. 25. The dates of the dayes of the Sessions differ, and the Copy wants Sess. 6. which Calderwood hath extracts from.
Ass. 1569, July 4. Sessio 4 is wanting in the Copy.
Calderwood also hath extracts from it.
Ass. 1569, March 1. The Copy wants Sess. 4 & 5. 6.
which Calderwood also gives extracts from.
Ass. 1570, July 5. Sess. 6, is wanting in Copy.
— 1570, Mar. 5. Sess. 6, is wanting in Copy.
— 1570, (1571) Aug. 6. Sess. 3 & 4 wanting in Copy.
— 1571, Jan. 12. Sess. 4, 5, 6, wanting in Copy.
— 1571, March. Sess. 4 wanting in Copy.
— 1572, August. Sess. 4 wanting in Copy.
— 1572, March 6. Sess. 2, 4, 5, wanting in Copy.
Calderwood gives extracts of some of these, but not alwise. About this time Bishop Adamsons lacerations begin.
Ass. 1572, August 6. Sess. 4 & 5 wanting in Copy.
— 1573, March 6. Sess. 2, 4, 6, wanting in Copy.
— 1574, August 7. Sess. 4 & 5 wanting in Copy.

Here the Abstract ends. I doubt the Table is not so exact. Houever in what folows, I nottice these differences.

Ass. March 1574. Copy wants Sess. 2, 3, 4, 5, 6, 7. This I imagine is one of Adamsons tearings.

In severall Assemblys the Record hath a Session or 2 more than the Copy, as Ass. 1575, 1578, 1583, 1587, 1591, 1600.

Ass. 1610, The Record hath 5 Sessions. The Copy hath no distinction.

Ass. 1616, Record hath but one Session. Copy hath 18 Sessions. Neither Record nor Copy have the Assembly at Perth 1618. Calderwood hath it.

Upon the whole, I am ready to think, that the differences are not very great between the Record and our Copys; and that Calderwoods Mss. will very much supplye these deffect of this. I shall be in better case to write when I collate my Copy with Calderwoods Mss. as I incline to doe this winter, if I recover my further strenth, which is but uncertain, severall lesser tumors rising upon my breast.

Under your correction, and the Committys that have this matter before them, I shall offer my present thoughts upon the whole.

The Great Book now in the Honorable Mr Campbells hands, in my opinion, is the 5 Register which is named Act. Ass. 1638 p : 2 : called the Greatest Volume, and declared free of all prejudice and suspicion, and to be received with credite, as margined by the hand write of the Clerk, and agreeable to the 4 preceeding Books. At first when I read the Abstract you sent me, and observed in your letter that S. Subscribitur is not added to Gray's subscriptions, as in my Copy, I inclined to think this volume to have been the 4 volumes mentioned by the Assembly 1638 bound up in one. But besides Lord Warriston's declaration, that this is the Great Book, that is the Greatest of the 5, and the 5th Register, the division of the Tomes in the Table doth not agree with the volumes mentioned in the Acts of the Assembly 1638. You will see page 2d, that the 2d Register and 2d Tome in the Table end Assembly, August 1572. And the 3d Register lying before the Assembly 1638, conteans the Assemblys from 1574—1579, which is the 4 Tome of the Copy in the Honorable Mr Campbells hands. And in the Registers before the Assembly 1638, there is a gap between 1572 and 1574, which youl see by the Table is made up in Mr Campbels Record, Tome 3d. So that its impossible this Record can be the same with the 4 volumes lying before the Assembly 1638, and declared to be famouse, authentick and good Registers by them: Besides in the Table the 5 Tome conteans the Acts of Assemblys from 1579 to May 10, 1586, which are wanting in the 4 volumes of Registers before the Assembly 1638: And so this greater volume conteans these years which were not in the authentick Registers; and then the 6 Tome comes in as the 4 volume of Registers before the Assembly 1638: So that I am pretty positive this Record is not the authentick 4 volumes of Registers, but the greatest volume the Assembly 1638 speaks of. All which is confirmed from the description given, Acts of Assembly 1638, p. 3 a medio, "That this greatest volume conteans the Acts from 1560—1590, and agrees with the 4 Books and Registers, as farr as is extant in

them; and further recordeth what is wanting by them, passing by what is mutilat in them;" that is Bishop Adamsons tearings.

These remarks, I think, settle the point, that Mr Campbells Record is not the Principal Authentick Acts before the Assembly 1638, but a Copy of them signed on the Margine by Mr James Ritchie, the Clerk, and copied by his servant, which are declared by Assembly 1638 to be conform to the Registers, and free of all suspicion, and deserving credite.

When I am upon this, youl be pleased to inspect the Copy Dr Fraser sent doun to Colledge, and particularly the subscription. I mind on my transient view of it, its signed Nicholson: But I dont mind, whether it be James Nicholson or Thomas Nicholson. If Thomas Nicholson, I make little question but its a Copy taken off the originals then in their hands, by that Gentleman who was 3d Clerk to the Assembly. If James Nicholson, he was Moderator of the Assembly 1595; and it may be, hath been a copy taken for his use at that time. You can only judge of this by occular inspection.

However this be, I am of opinion, this ought to be signified in your correspondence with the Honorable Mr A. Campbell, that his Record is not the original Registers before the Assembly 1638; but only the Greater Book, which is declared worthy of credite: because they collated it with the Original Records. This ought at least to bring doun his very high demands, for his Mss. the wanting of S. Subscribitur to Grayes subscription will not ballance what is above, and might be a slip of the Transcriber.

Allow me only to add, that before you can deal with Mr Campbell to any purpose, either your Copy taken off Dr Fraser's must be sent up to London, to be carefully collated by some body of sense with Mr Campbells Record, and the differences carefully marked; at least the first sentence and last of every Session that your Copy wants, should be sett doun, if Mr Campbell will allow: or Mr Laudon, or any youl imploy, must go through your Copy, and give the Assemblys with their dates, and the first and last words of every Session, with the first and last words, or at least the Tittles of the Principal Papers conteaned in the different Assemblys. For instance, Assembly, April 24, 1581, the 2d Book of Discipline is insert. Assembly, May 10, 1586, a list of Presbitrys through Scotland is insert. Assembly 1590, Agust 4, the list of the members of Assembly are insert. By this collation Mr Campbell will not be wronged, and you will be in case to judge the true value of his Record.

When this is done, if the difference be but trivial between our Copyes and his, and especially if we can make them up from Calderwoods Mss. History, I cannot say I would be for giving him above 40 or 50 Pound for his Record, since he will see our Copys are not farr short of it. So much, had we money to give, I wish were given to have one of the Registers approven by the Assembly 38.

If it come out otherwise, then other methods must be taken with an old poor man

not very friendly to our Constitution, and in his oppinions already farr gone over to Rome.

In no case I would be for printing the Record, except it were revised by a Committy named by the Assembly; and such things as are not of general use be left out. I gave you my reasons for this when here. There are Acts contradicting one another, and many things unfitt for the public view. And no wonder when the Church was but just emerging from Popish ignorance and confusion; and it was 20 years before Presbitrys were established; and 9 before any regulation was made, who should be members; and generally all came who were Ministers, and well affected to the Reformation, who wer of any rank.

I would be much rather for a collection for the summ that shall be agreed on with Mr Campbell for his 3 volumes. And I hope we are not so low but 2 or 3 hundred Pound might be gathered from Ministers and well disposed persons at Guineas a peice, with a promise of a Copy of the Acts of Assembly of generall use, when the Assembly sees fitt by their orders to print them, which I think might be done. And our friend A. Millar, who hath made this discovery to us, should be considered in that matter. I fear the Churches funds are so much embarrassed, that little can be hoped for from them.

If Mr Campbell should be unreasonable in his demands, what offers to me under correction is, that propper hands should be imployed to deal with Secretary Johnstoun, that the state of the matter should be laid before him; and the Churches claim upon these 3 volumes of Records, signified to him; and even our claim upon him as his father's Representative, for what belonged to the Assembly, and is attested by his father in the Churches name. His claim on Mr Campbell might likewise be urged. In that case, the Secretary might easily deal with Mr Campbell in concert with you here.

All this is proposed in much submission to your better judgement. I only mention these things as hints which may open the dore to somewhat more ripe and digested from you and the Committy which have this matter before them. I know you will take all as well meaned, and make allowances.

Allow me to subscribe myself, Dr Sir,

Your most Humble
And Affect Servt.

Eastwood Oct 29
1733.

RO. WODROW.

VIII.

A Table of the General Assemblies of the Church taken from the original Registers, and referred to in the preceding Letters.

"The buik of the vniuersall kirk of Scotland quhairin the Acts and Conclusiones devisit be the Ministaris and Comissionars of the particular kirks thairof are severally expressed and containid."

"This is the great volume aprovin be the general assemblee at Glascou in November 1638."

A Short View or Table

Of the Generall Assemblies of the Kirk of Scotland from the year of our Blessed Lord 1560, that she reformed from the Church of Rome, to the year 1617, which was fourteen years after King James the Sixt of Scotland's Accession to the Crown of England, taken from the original authentick approved Records of the Kirk for 56 years; in severall of which Assemblies King James was personally present.

Assemblies.	Places.	Day. Moneth.	Year.	Sessions.	Moderators.
Assem. 1,	Edinburgh,	20 December	1560.	3 Sess.	
Assem. 2,	Edinburgh,	27 May	1561.	3 Sess.	
Conv^{n}.	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 3,	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 4,	Edinburgh,	25 December	1562.	5 Sess.	
Assem. 5,	St Johnstoun,	25 Junij	1563.	4 Sess.	
Assem. 6,	Edinburgh,	25 December	1563.	6 Sess.	Mr John Willock.
Assem. 7,	Edinburgh,	25 Junij	1564.	6 Sess.	Mr John Willock.
Assem. 8,	Edinburgh,	25 December	1564.	3 Sess.	John Erskine.
Assem. 9,	Edinburgh,	25 Junij	1565.	4 Sess.	Mr John Willock.
Assem. 10,	Edinburgh,	25 December	1565.	4 Sess.	John Erskine.
Assem. 11,	Edinburgh,	25 Junij	1566.	2 Sess.	John Erskine.
Assem. 12,	Edinburgh,	25 December	1566.	4 Sess.	John Erskine.

Endis the First Tome.

Assemblies.	Places.	Day.	Moneth.	Year.	Sessions.	Moderators.
Assem. 13,	Edinburgh,	25	Junij	1567.	4 Sess.	Mr George Buchanan.
Assem. 14,	Edinburgh,	21	July	1567.	5 Sess.	Mr John Row.
Conv^{n}. 1,	Edinburgh,	18	December	1567.	3 Sess.	
Assem. 15,	Edinburgh,	25	December	1567.	7 Sess.	Mr John Row.
Assem. 16,	Edinburgh,	1	July	1568.	5 Sess.	Mr John Willok.
Assem. 17,	Edinburgh,	25	December	1568.	1 Sess.	Mr John Knox.
Assem. 18,	Edinburgh,	25	February	1568.	6 Sess.	Mr David Lindesay.
Assem. 19,	Edinburgh,	5	July	1569.	5 Sess.	Mr Wm. Christison.
Assem. 20,	Stirline,	25	February	1569.	1 Sess.	Mr John Spottiswod.
Conv^{n}. 2.	Edinburgh,	1	Merche	1569.	11 Sess.	Mr John Craig.
Assem. 21,	Edinburgh,	5	July	1570.	6 Sess.	Mr Robt. Pont.
Assem. 22,	Edinburgh,	5	Merche	1570.	6 Sess.	Mr John Hay.
Assem. 23,	Stirling,	6	August	1570.	4 Sess.	Mr Gilbert Gardin.
Conv^{n}. 3,	Leith,	12	January	1571.	6 Sess.	Mr Gilbert Gardin.
Assem. 24,	St. Andrews,	6	Merche	1571.	4 Sess.	Mr Robt. Hamilton.
Assem. 25,	Perth,	6	August	1572.	4 Sess.	John Erskin of Dwn.
			Endis the 2 Tome.			
Assem. 26,	Edinburgh,	6	Merche	1572.	7 Sess.	David Fergusson.
Assem. 27,	Edinburgh,	6	August	1573.	8 Sess.	Mr Alexr. Arbuthnot.
Assem. 28,	Edinburgh,	6	Merche	1573.	7 Sess.	Mr Andrew Hay.
			Endis the 3 Tome.			
Assem. 29,	Edinburgh,	7	August	1574.	10 Sess.	Mr John Duncanson.
Assem. 30,	Edinburgh,	7	Marche	1574.	12 Sess.	Ja. ABp. of Glasgow.
Assem. 31,	Edinburgh,	6	August	1575.	7 Sess.	Mr Robt. Pont.
Assem. 32,	Edinburgh,	24	Apryle	1576.	7 Sess.	Mr John Row.
Assem. 33,	Edinburgh,	24	October	1576.	8 Sess.	Mr John Craig.
Assem. 34,	Edinburgh,	24	Aprile	1577.	9 Sess.	Mr Alexander Arburnot.
Assem. 35,	Edinburgh,	25	October	1577.	13 Sess.	Mr David Lindesay.
Assem. 36,	Edinburgh,	24	Aprile	1578.	10 Sess.	Mr And. Mellvill.
Assem. 37,	Stirling,	11	July	1578.	4 Sess.	Mr John Row.
Assem. 38,	Edinburgh,	24	October	1578.	8 Sess.	David Fergusson.
Assem. 39,	Edinburgh,	7	July	1579.	10 Sess.	Mr Tho. Smeton.
			Endis the 4 Tome.			
Assem. 40,	Dundee,	12	July	1580.	10 Sess.	Mr James Lawson.
Assem. 41,	Edinburgh,	20	October	1580.	13 Sess.	Mr Andrew Hay.
Assem. 42,	Glasgow,	24	Aprile	1581.	10 Sess.	Mr Robt. Pont.
Assem. 43,	Edinburgh,	17	October	1581.	23 Sess.	Mr John Craig.

Assemblies.	Places.	Day. Moneth.	Year.	Sessions.	Moderators.
Assem. 44,	St. Andrews,	24 Aprile	1582.	14 Sess.	Mr And. Melvill.
Assem. 45,	Edinburgh,	27 Junij	1582.	7 Sess.	Mr And. Melvill.
Assem. 46,	Edinburgh,	9 October	1582.	20 Sess.	David Lindesay.
Assem. 47,	Edinburgh,	24 Aprile	1583.	13 Sess.	Mr Tho. Smeton.
Assem. 48,	Edinburgh,	10 October	1583.	16 Sess.	Mr Robt. Pont.

Endis the 5 Tome.

Tomus 6.

Assem. 49,	Edinburgh,	10 May	1586.	18 Sess.	Mr David Lindesay.
Assem. 50,	Edinburgh,	20 June	1587.	18 Sess.	Mr And. Melvill.
Assem. 51,	Edinburgh,	6 February	1587.	18 Sess.	Mr Robert Bruce.
Assem. 52,	Edinburgh,	6 August	1588.	14 Sess.	Mr Tho. Buquhannan.

This is the great Volume aprovin be the Gen. Assemblee at Glascou in November 1638.

A. JHONSTON, Cls. Eccl.

Register of the Acts of the Generall Assemblie of the cropes and zeiris of God I^m v^c lxxxx—lxxxxvi inclusivé Be . . . . Clark depute y^to.

Assem. 53,	Edinburgh,	4 August	1590.	17 Sess.	Mr Pat. Galloway.
Assem. 54,	Edinburgh,	2 July	1591.	18 Sess.	Mr N. Dalgleshe.
Assem. 55,	Edinburgh,	22 May	1592.	23 Sess.	Mr Rob. Bruce.
Assem. 56,	Dundie,	24 Apryle	1593.	9 Sess.	Mr David Lindesay.
Assem. 57,	Edinburgh,	7 May	1594.	18 Sess.	Mr And. Melvill.
Assem. 58,	Montrose,	24 June	1595.	9 Sess.	Mr James Nicolson.
Assem. 59,	Edinburgh,	23 Merche	1595.	13 Sess.	Mr Rob. Pont.
Assem. 60,	Perth,	1 Merche	1596.	7 Sess.	Mr David Lindesay.

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Assem. 61,	Dundee,	10 May	1597.	10 Sess.	Mr Robt. Rollok.
Assem. 62,	Dundee,	7 Marche	1597.	13 Sess.	Mr Peter Blackburn.
Assem. 63,	Montrois,	18 Marche	1600.	9 Sess.	Mr Robert Wilkie.
Assem. 64,	Bruntyland,	12 May	1601.	5 Sess.	Mr John Hall.
Assem. 65,	Holyruidhouse,	10 November	1602.	6 Sess.	Mr Pat. Galloway.
Assem. 66,	Lythgow,	26 July	1608.	8 Sess.	Ja. Law Bp. of Orkney.
Assem. 67,	Glasgow,	8 June	1610.	5 Sess.	John ABp. of Glasgow.
Assem. 68,	Aberdeene,	13 August	1616.	1 Sess.	John ABp. of St. Andrews.

TH. NICOLSON.

IX.

In the General Assembly held at Glasgow, 1638.

Act. Sess. 12. December fourth.

The six late pretended Assemblies condemned.

Anent the report of the Committie, for trying the six last pretended Assemblies: They produced in writ sundrie reasons, clearing the unlawfulness and nullitie of these Assemblies: which were confirmed by the registers of the Assembly, the books of Presbyteries, the Kings Majesties own letters, and by the testimonie of divers old reverend Ministers, standing up in the Assembly, and verifying the truth thereof. The Assembly with the universal consent of all, after the serious examination of the reasons against every one of these six pretended Assemblies apart, being often urged by the Moderatour, to informe themselves throughly, that without doubting, and with a full perswasion of minde, they might give their voices, declared all these six Assemblies of Linlithgow 1606 and 1608, Glasgow 1610, Aberdeen 1616, St Andrews 1617, Perth 1618. And every one of them to have been from the beginning unfree, unlawfull, and null Assemblies, and never to have had, nor hereafter to have any Ecclesiastical authoritie, and their conclusions to have been, and to bee of no force, vigour, nor efficacie: Prohibited all defence and observance of them, and ordained the reasons of their nullitie to be insert in the books of the Assembly: Whereof the tennour followeth.

Reasons for annulling the pretended Assembly, holden at Linlithgow 1606.

I. From the indiction of it. It was indicted the third of December, to bee kept the tenth of December. And so there was no time given to the Presbyteries, far distant, neither for election of Commissioners, nor for preparation to those who were to be sent in Commission. The shortnesse of the time of the indiction is proved by the Presbyterie books of Edinburgh, Perth, and Hadingtoun, &c.

II. From the want of a lawfull calling, to these who went to that meeting, seeing they were not at all elected by their Presbyteries, but were injoyned to come by the Kings letters. This also is proved by the forsaids books of the Presbyteries, and by his Majesties letters.

III. From the nature of that meeting, which was only a private meeting, or convention, for consultation to be taken by some persons of sundry estates written for, as the Kings letters and the Presbyterie books do acknowledge.

IIII. From the power of these Ministers who were present Their Presbyteries did limitate them: First, That they should give no suffrages in that meeting as a generall Assembly. Secondly, That they agree to nothing that may any wayes be preju-

diciall to the acts of the generall Assemblies, or to the established discipline of the Kirk. Thirdly, That they should not agree to resolve or conclude any question, article, or mater whatsoever, the decision whereof is pertinent, and proper to a free generall Assembly. Fourthly, If any thing be concluded contrary thereunto, that they protest against it. These limitations are clear by the Presbyterie books.

V. The acts of this meeting were not insert in the book of Assemblies, as is evident by the registers.

VI. The next pretended Assembly at Linlithgow, 1608, doth acknowledge the Assembly, whereof Master Patrick Galloway was Moderatour, to have been the last immediate Assembly, preceeding itselfe: and that Assembly whereof he was Moderatour, was the Assembly holden at Haly rood-house, 1602. So they did not acknowledge that meeting at Linlithgow, 1606, for any Assembly at all. This is clear by the registers of the Assembly, 1608, in the entrie thereof.

Reasons for annulling the pretended Assembly at Linlithgow, 1608.

I. Manie of the voters in that pretended Assembly had no lawfull commission from the Kirk, to wit, 42. Noblemen, officers of state, Counsellours, and Barrons, also the Bishops, contrare to the act of Dundie, 1597. And one of their caveats. The Noble men were as commissioners from the King, the Bishops had no commission at all from the Presbyteries, for every Presbyterie out of which they came, had their full number of Commissioners beside them, as the register of the Assembly beareth

II. In a lawfull Assembly there should be none but Commissioners from Presbyteries, Burghs, and Universities, and but three ministers at most, with one Elder, Commissioners from every Presbyterie, according to the act made at Dundie, 1597. But in that pretended Assembly, there were foure ministers from the severall Presbyteries of Edinburgh, and Cowper, five from the Presbyterie of Arbroth, as the roll of the said pretended Assembly beareth; whereas there were no ruling Elders sent from Presbyteries, according to the book of policie and act of Dundie.

Reasons for annulling the pretended Assembly at Glasgow, 1610.

I. The Commission of the pretended Commissioners to that meeting was null. 1. Because the election of them was not free, seeing they were nominate by the Kings Letters, as the Presbyterie books of Edinburgh, Perth, and Hadingtoun declare. And the Bishop of St Andrews in his letter to some Presbyteries, required them to send such Commissioners as the King had nominate: Assuring them, that none other would be accepted. This the Bishops letter registrat in the Presbyterie books of Hadingtoun doth cleare. 2. And whereas there were no ruling Elders sent from the Presbyteries to that pretended Assembly, as the roll of Commissioners sheweth; yet there were more ministers from sundrie severall Presbyteries than three, as five from Brechen, five from Arbroth, five from Kirkcubright, seven from the Presbytery of

Argyl, foure from the Presbyterie of Cowper, foure from Linlithgow, four from Pasley, four from Hammiltoun, foure from Drumfries, foure from Dunkell; as the register of that Assembly beareth.

II. There were thirtie voters of Noble men and Barrons, beside the pretended Bishops, who had no commission from any Presbyterie. In the fourth Session of this pretended Assembly it is plainly said, That the Noble men and Barrons came to it by the Kings direction.

III. The voting of the commissioners was not free: for by the Kings letter to the Assembly they were threatened, and it was declared that their consent was not needfull to any act to be made there: The King might do it by his own power, yet they were allured to vote by a promise that their good service in so doing should be remembred and rewarded thereafter.

IV. The principall acts which were made, were set down verbatim in the privie conference, which chiefly consisted of the Kings Commissioners and pretended Bishops, and only read to be ratified in the Assembly.

V. Sundrie ministers then present, do now declare, that they knew the ministers who voted the wrong way, to have received their present reward, and that money was largely dealt unto them.

Reasons for annulling the pretended Assembly at Aberdene, 1616.

I. There was no election of a Moderatour: but that place usurped by the pretended Bishop of Saint Andrews, as the Register beareth.

II. The indiction of that pretended Assembly was but twentie dayes before the holding of it: so that the Presbyteries and burghes could not be prepared for sending their commissioners: which caused the absence of many Presbyteries and fourtie foure Burghes.

III. There were twentie five noble-men and gentle-men, voters without commission from the Kirk. Mr William Struthers voted for the Presbyterie of Edinburgh, yet had no commission therefrom: The commission being given by that Presbyterie to other three, as the said commission registrat in the books of the Presbytery beareth. And whereas there should be but one Commissioner from every burgh, except Edinburgh, to the Assembly; at this pretended Assembly, there were two Commissioners from Glasgow, two from Cowper, two from St Andrews: whereas there were no ruling Elders having commission from their Presbyteries at that Assembly.

IIII. When the acts of that pretended Assembly were written, the Bishop of St Andrews with his own hand did interline, adde, change, vitiate, direct to be extracted or not extracted, as he pleased, as the scrolls themselves seen doe show; wherefore the clerk did not registrat the acts of that Assembly in the books of Assemblies, as may be easily seen by the blank in the register left for them remaining unfilled.

THE NULLITIE OF THE PRETENDED ASSEMBLY AT SAINT ANDREWS, 1617.

I. There is no mention of it in the register of the Assemblies, and so no warrand for their commissions, their Moderatour or Clerk.

II. The indiction of it was so informall, that as the scroll declareth, a great part of the Commissioners from Synods, Burrows, and gentlemen, would not be present.

III. The Kings Majestie in his letter to Perths Assembly, acknowledgeth it was but a meeting, wherein disgrace was offered to his Majestie.

IIII. The former corruptions of the foure preceeding Assemblies had their confluence in this and the subsequent Assembly.

REASONS FOR ANNULLING THE PRETENDED ASSEMBLY, HOLDEN AT PERTH, 1618.

I. The Assembly was indicted but twentie dayes before the holding of it: and all parties requisit received not advertisement, as appeareth by their absence. The untimeous indicting of it, is cleared by the Presbytrie books.

II. There was no election of the Moderatour, as was accustomed to be in lawfull Assemblies; The register cleareth this.

III. No formal election of their new Clerk.

IIII. There were five whole Dyocies absent, viz. Orkney, Cathnes, Rosse, Argyll, and Isles: and many Presbyteries had no Commissioners there, as the register of that pretended Assembly beareth.

V. There were nineteen Noblemen and Barons, eleven Bishops, that had no commission from the Kirk. Whereas the act for constitution of Assemblies, ordaineth every Burgh to have but one Commissioner, except Edinburgh, which may have two, (Act at Dundie, 1597) yet in that pretended Assembly, Perth had three Commissioners, Dundie had two, Glasgow had two, and St Andrews had two: Of the Burghes there were thirtie six absent: And for ruling Elders, there were none at all with commission from their Presbyteries. All these things are cleared by the records of that pretended Assemblie.

VI. The Commissioners from some Presbyteries exceeded their number, prescribed in the act at Dundie, 1597, for the Presbyterie of Arbroath were foure Commissioners, and foure for the Presbyterie of Aughter-ardour: Beside these that were heard to vot, having no commission at all, and some who had commission were rejected, and were not enrolled, but others put in their place without commission.

VII. The pretended Bishops did practise some of the articles to be concluded there, before the pretended Assembly, in Edinburgh, St Andrews, and other cathedrall Churches, by keeping festivall dayes, kneeling at the Communion. Thus their voices were prejudged by the practise of these articles before condemned by the Kirk, and therefore they should have been secluded from voicing.

VIII. In all lawfull Assemblies, the voicing should be free: But in this pretended

Assembly there were no free voicing; for the voicers were threatened to voice affirmativé, under no lesse pain nor the wrath of authoritie, imprisonment, banishment, deprivation of ministers, and utter subversion of the state: Yea, it was plainly professed, that neither reasoning, nor the number of voices should carie the matter away: Which is qualified by the declaration of many honest old reverend brethren of the ministry now present.

IX. In all lawfull Assemblies, the grounds of proceeding were, and used to be, the word of God, the confession of Faith, and acts of former generall Assemblies. But in this pretended Assembly, the ground of their proceeding in voicing, was the Kings commandment only: For so the question was stated: Whether the five articles, in respect of his Majesties commandment, should passe in act, or not: as the records of that pretended Assembly beareth. Where it is declared, that for the reverence and respect which they bear unto his Majesties royall commandments, they did agree to the foresaids articles.

X. Many other reasons verifying the nullitie of all these Assemblies, were showen and proven before the Assembly, which needeth not here to be insert.

ADDENDUM—P. 131.

At Edinburgh x of Julij 1568. In the Generall Assemblie and saxt Session thairof.

The haill Kirk assembled, for eschewing of pleyis among brethren, maist hartilie requestis my Lordis President of Session, Secretare, Advocat, Clerk of Registre, Justice Clerk, Lord Provand and Mr Henry Balnavis, or any three of them, to decyde the Controversie that apperandlie may be movit betwix the Maisteris of the New College of Sanctandrois, and Mr Alexander Spens, Minister of Couper, anent thair pretendit right of the parsonage of Tarvat; and this to be done betwix this day and xvi of August next, to the effect that my Lord Regents G. may give his Gs presentation to the partye having best right.

J. GRAY, Scr.

CORRIGENDA.

Page.	Line.	
17.	34.	*after* Hay insert a comma.
49.	21.	*for* Loathein *read* Letham (C.)
58.	9.	*delete* and (C.)
77.	7.	*for* John *read* James (C.)
96.	7.	— Quarters *read* Commissioners,
105.	18.	— raisit (razed) *read* ratifeit ?
106.	37.	— 20 *read* 25.
145.	7.	— found *read* summoned (C.)
146.	22.	— denounce *read* demit (C.)
179.	25.	— moderators *read* modifiers ?
238.	4.	— stream *read* storm ?
255.	4.	— James *read* John.
256.	37.	— Beduchie *read* Benduchie.
267.	21, 23.	— excommunicants *read* excommunicats.
270.	1.	— Haleio *read* Halcro.
281.	6.	— John *read* James.
295.	7.	— Galloway, Kile, *read* Galloway, Aberdeen, Kile, minister of.
337.	8.	— Edinburgh *read* Aberdeen.
368.	6, 7, 8.	— John *read* Gilbert.
425.	27.	— continuance *read* contumacie.
425.	30.	— voundit *read* unmeet (C.)
435.	24.	— Etham *read* Eythan.
470.	13.	— Angus and Marnes *read* Aberdeen and Banff.
——	24.	— Dynneir *read* Dinmure.
532.	16.	— Tividdail *read* Tweddaill.
540.	12.	— Ramuscraig *read* Ravinscraig.
634.	9.	— George *read* Gilbert.
643.	18.	— notwithstanding *read* not standing (C.)
648.	21.	— Clidesdaill *read* Dumbarton: in the Nether Ward of [ ]: (C.)
649.	25.	— Torrie *read* Turreff.
657.	1.	— ame *read* same.
667.	16.	*delete* David (C.)
687.	2.	*for* quarters *read* Commissioners.
——	12.	— dulterme *read* due terme (C.)
716.	27.	— Elly *read* Enzie.
717.	19.	— Logilichan *read* Logiebuchan.
——	21.	— Gordon *read* Garden.
——	29.	— Fyfe *read* Fyvie.
——	—	— Locky Damock *read* Logiedurno.
——	30.	— Innerug *read* Inverury.
764.	17.	— Lumdie *read* Lundie.
765.	15.	— Graig *read* Greig. M.S.W.
770.	12.	— Endercharitie *read* Inveraritie.
795.	11.	— John *read* James (C.) MSS. A. W.
799.	22.	— derectour *read* the Rectour.
803.	6.	— Bondronne *read* Wynrhame.
813.	10.	— octavo *read* vigesimo octavo.
815.	15.	— presbytery *read* synod.
816.	15, 16, 17, 18.	*to be delete.*
824.	24.	*for* Trewquhy *read* Frewquhy.
——	29.	— Kilkell *read* Kilkill.
832.	30.	— inhite *read* inhibite. MSS.
851.	13.	*for* Julij *read* Junij.
863.	29.	*after* Bruce *insert* Robert Wallace.
873.	5.	*for* Robert Laud *read* Robertland, *and add* [David Cunninghame of.]
930.	14.	— Endercharitie *read* Inveraritie.
981.	2.	*delete* to.
	5.	*for* reformation *read* information.
999.	1.	*insert* 15 *before Novembris.*
1124.	12.	*for* Howit *read* Howie.
1131.	23.	— Andro *read* George.
1040.	6.	— 44 year *read* 40 year.
1042.	11.	— 45 year *read* 40 year.
1082.	35.	— 47 year *read* 43 year.*

THE BOOKE

OF THE

UNIVERSALL KIRK OF SCOTLAND:

WHEREIN THE HEADIS AND CONCLUSIOUNS

DEVYSIT BE THE MINISTERIS AND COMMISSIONARES

OF THE PARTICULAR KIRKS THEREOF

ARE SPECIALLY EXPRESSED

AND CONTAINED.

A. D. M.D.XCIII.

THE Generall Affemblie of the Kirk of Scotland, convenit at Dundie the xxiiij day of Apryle 1593.

Exhortatioun being maid be Mr Robert Bruce, Moderatour of the laſt Affemblie; in reſpect of the raritie of the brether convenit, it was thoght meit the electioun of ane Moderatour fould be continewit quhill efter nvne, quhane the number will be mair frequent.

Acta Seſſione Secunda, Eodem die.

The Affemblie, according to thair ordour, proceiding to the electioun of ane Moderatour, during this Conventioun, appointit and delytis Mr Dauid Lyndeſay, Mr James Balfour, Mr Johne Nicolſoun, Mr Andro Meluill, Mr Patrick Sympſoun; and, be pluralitie of voitis, the ſaid Mr Dauid was choſſin Moderatour hac vice.

The hours of conventioun, ilk day dureing the Affemblie, war appointit the accuſtomeit hours.

And to the effect that all the actiouns to be intreitit at this tyme may be mair convenientlie and ordourlie handlit, and mair reddelie diſpecht, the Kirk nominat thair bretherne vnderwritin, thay ar to ſay, the Lairds of Cammo, Abottiſhall, Powrie, Ogilvy, commiſſioners of Edenburgh and Lyth, Mr Robert Pont, Mr John M'kenzie, Mr Alexander Dowglas, Mr Gilbert Gairdin, Mr Peter Blackburne, Alexander Keyth, William

Cryſteſoun, Mr James Nicolſoun, Johne Dury, Mr Archibald Meluill, Mr Nicol Dalgleiſhe, Mr Thomas Buchannane, Dauid Fergufoun, Mr James Meluill, Mr William Rynd, Mr Patrick Symſoun, Mr Robert Bruce, Mr Robert Hepburne, Mr Johne Spoittiſwod, Mr William Methwen, Mr Archibald Clayhills, Mr Johne Cowper, Mr Dauid Barclay, Mr Matho Wyllie, Mr Alexander Wreytoun, Mr William Edmeſtoun, to convine daylie with Moderatour in the reweſtrie of the kirk, at aucht hours in the morning and tua efter nvne of the preauching dayis, and immediatlie efter the ſermone in the preaching dayis, to gif thair adwyſe and counſell in proceiding in materis of this Aſſemblie.

Acta Seſſione Tertia, vigeſimo quinto Aprilis 1593.

Foralſmeikill as ther is ane Conventioun of the Nobilitie appointit be his Majeſtie in Edenburgh, the xxvij day of this inſtant, quher it is thocht meit that certane of the Kirk be preſent, to propone ſick articlis and petitionis as for the tyme ſalbe thocht meit: Thairfor the Kirk and Aſſemblie preſent hes thocht meit to condiſcend vpoun ſic articles, quhairof ane breif recitle followis, quhilk heireſter ar to be brocht and reduceit in ſum guid forme.

Firſt, It is thocht meit to be craveit that all Papeiſtis within this realme may be pvniſhit according to the lawis of God and of the realme.

Item, That the act of Parliament of ipſo facto may ſtrak vpoun all maner of men landit and vnlandit, conſtitut in office or vtherwayis, als weill as the ſamyn is ſpeciallie conſawit aganis beneſeicit perſouns.

Item, That ane declaratour be cravit aganis Jeſueits and traficking Papiſts aganis the trew religioun proſeſſit within the realme, quherby thay may be declairit tratours, to this effect the reſſateris of thame may be pvneiſt according to the act of Parliament: and ſicklyke that ane reformatioun may be of the thrie dayis contenit in the ſaid act.

Item, That all ſick perſouns as the Kirk ſall find and declair publeclie to be obſtinat Papeiſtis, althocht thay be not excummvnicat, be debarit frome bruiking of ony office within the realme, as alſua from acces to his Majeſteis companie, and from inioying of ony banefeit of the lawis of the realme; as alſua that the pane of horning and vther ciuell paines may follow vpon the ſaid declaratour, ſiclyk as alreddie followis vpon the ſen-

tence of excummvnicatioun: and that ane act of Counſall preſentlie may be maid and publiſhit thervpon, quhill the nixt Parliament, quher the ſamyn may be eſtabliſhit in ane law.

Ordanes the bretherne of the haill Preſbiteris quhilks ar preſent, to gif in the names of all maner of perſouns excummvnicat for quhatſumever crime, as als of profeſſing Papeiſtis, the morne to the full Aſſemblie.

The Generall Aſſemblie of the Kirk gevis full power and commiſſioun to the brether of the Preſbiteres of Glaſgow and Hammiltoun, or ſa mony of thame as guidlie can be convenit togidder, to ſummond Mr Mvrheid to compeir befor thame, with all expedient deligence, at the firſt dyet within the Toun of Glaſgow, to anſuer for the defectioun of the miniſtrie, and to proceid according to the tryell and proces led befor thame; and in caice of ma dyetis nor ane, the plaice to be mvtuallie interchangit efter thair aſſembling; and to report thair proceiding to the nixt Generall Aſſemblie of the Kirk.

Anent the commiſſiouns gevin in the laſt Aſſemblie to the Preſbitreis of Brichen and Arbrothe; ſick brether adioynit to thame concerning Mr Walter Lyndeſay and his collegeis.

Item to the Preſbetrie of Hadingtoun concerning Mr George Ker; To the Preſbeterie of Dalkeyth concerning the Laird of Roſling; To the Preſbeterie of Edenburgh concerning Mr George Semple; as the particular commiſſiouns beris. Ane particular report of thair deligence being hard, the ſaids haill commiſſiouns wer found to be execute.

Anent the commiſſiouns gevin to the Preſbiteris of Stirling and Dumblane concerning the complaint of the parochiners of Egliſhame: The proceidingis in the mater being preſentit in writ be Mr Patrik Symſoun, Miniſter in Stirling, in reſpect thay have remittit ſum thingis to be conſidderit be the haill Kirk, to do ferder reſſolutioun therin is ſuperceidit quhill materis remitit to this Aſſemblie be proponit.

Anent the commiſſioun gevin in the laſt Aſſemblie to certane bretherne, to tak vp the deidlie feid betuix the Lairds of Craigmyller and Edmeſtoun: In reſpect the ſaid brether hes taken alreddy travells therin, the Aſſemblie hes willit thame to proſecuit forder that purpos, and to report to the nixt Aſſemblie.

Anent the commiſſioun gevin to the Preſbitrie of Irwing, to try the Preſbitrie of Hamiltoun, and to report conforme to the tenour of the laſt Aſſemblie: In reſpect is vnderſtand to the ſaid Aſſemblie, not as ȝit the

ſaid commiſſioun is not execut, thairfor of new the ſaid Kirk hes renewit the ſaid commiſſioun to the brether appointit therin of befor, and ordaines thame to execute the ſamyn betuix and the nixt Aſſemblie, as thay will anſuer.

For reiding of bills and queſtiouns preſentit in this Aſſemblie: The Kirk hes nominat Mr James Nicolſoun, Mr Nicol Dalgleiſche, Mr James Meluill, Mr Gilbert Gairdin, to conveine euerie day at tua hours in the Kirk, and to ſycht the bills quhilks ar pertinent to the Aſſemblie, for remiting ſic as be pertinent to the full Aſſemblie.

The Kirk and Commiſſioners preſent hes gevin full power and commiſſioun to thair rycht honorabill and thair lovit bretherne vnderwritin, thay ar to ſay, the Lairds of Abotiſhall, Wedderburne, and Mercheſtoun, Johne Arnot, William Lytill, ſumtyme Proveſtis of Edenburgh, and Clement Ker, burges, ſumtyme Baillie therof, to preſent to his Majeſtie and Nobilitie now appointit to conveine at Edenburgh, the xxvij day of this inſtant, the articles and petitiouns of the Kirk, and to crave and travel that the ſamyn may be grantit; and gif neid beis, to reſſoune and confer thervpoun, or quhat beis done herin to report to the nixt Generall Aſſemblie.

Seſſio 4a. 25 Aprile.

The Commiſſioners vnderwrytin preſentit thir Articles following to his Maieſtie and Counſell, viz. the Lairds of Abbotſhall, Wedderburne, and Mercheſtoun, John Arnot and William Litle, ſometyme Proveſts of Edenburgh, and Clement Car, Mrs Robert Bruce, Patrick Galloway, James Nicolſoun, and Walter Balcanquell.

Followis the tenour of the ſaid articles.

Firſt, Seing the increaſe of Papiſtrie is daylie within this realme, it is craveit of his Majeſtie, that all Papiſts within the ſame may be puniſhit according to the laws of God and the realme.

Item, That the act of Parliament ipſo facto may ſtrike vpon all maner of men, landit and vnlandit, conſtitute in office or vtherwayes, of quhat ſort [ſoever] they be, as weill as the ſamen is provydit to ſtrike aganis beneficit perſons.

Item, That ane declaratour may be givin againſt Jeſuites, Seminarie Preiſts, and traffiquing Papiſts, declaring them culpable of treaſon and leſe Majeſtie, quherby the receipters of ſuch perſons may be puniſchit according to the act of Parliament; and that reformation may be had of the ſaid act in that pairt, quher the ſamein is only extendit againſt ſuch perſons as receipts them be the ſpace of three dayes; and that the penaltie of the act may be inflictit againſt any receipters without any condition of dayes.

Item, That all ſick perſons as the Kirk ſall find and declare [publickly] to be Papiſts, althogh they be not excommunicat, be debarrit from brooking any office within the realme, as alſo from having acceſſe to his Majeſties companie, and from injoying any benefite of the lawis; as alſo that the paine of horning, and vther civill paines, may follow vpon the ſaid declaratour, ſicklyke as preſentlie followis vpon the ſentence of excommunicatioun; and that ane act of Counſell preſentlie be made and publiſchit thervpon, quhill the nixt Parliament, quher the ſamen may be eſtabliſhed in ane law.

Item, That his Majeſtie will conſidder the great prejudice done to the haill Kirk be erecting of the teinds of diverſe Prelacies in temporalitie, as of the Abbay of Paiſly and ſundrie [others,] be the quhilk the planting of Kirks is greatlie prejudgeit; and that, therfor, ane ſubſtantial ordour be tane for remeid therof.

Ordaines derectour of Sanct Androis, Mr Robert Wylkie, Mr Robert Pont, Mr Thomas Buchannane, and Mr Johne Johneſtoun, or ony thrie of thame, to veſit the tennour of the foundatioun of the new College to be erectit be the Erle Mariſchell in Aberdeine, and to gif thair oppvnioun of the ſame to the bretherne, that the ſaid fundatioun may be ratefeit be the ſaid haill Aſſemblie, being fund meit and expedient.

Ordanes Mr Robert Hepburne, Mr James Meluill, and Mr Peter Blackburne, to veſit and ſycht the buik of veſitatioun of the boundis of Orknay, preſentit be Mr Robert Pont, and to gif thair oppvnioun to the Aſſemblie befor thay diſſolue.

Foralſmeikill as the numberis of the Preſbitereis within this realme and thair places wald be knawin, the names therof being inquyrit, the full Aſſemblie and nvmber of the ſame wer gevin vp as followis, viz.

Ane Preſbiterrie in Zetland callit Tingwall: In Orknay, ane, to wvt, Kirkwall: In Kaithnes, ane, viz. Thurſo: In Sutherland, ane, viz.

Dornoch: In Ros, tua, Tane and the Channonrie: In Murray, four, viz. Inuernes, Forres, Elgine, and Ruthven: In Aberdeine, fyve, viz. Bamf, Deir, Inuerowrie, Aberdene, Kincardin: In Mernes, ane, Couway: In Angus, four, viz. Brechen, Arbroth, Megill, Dundie: In Dunkeld, ane, viz. Dunkeld: In Perth, Sanct Johneftoun, Dumblane: In Fyfe, four, viz. Sanct Androis, Cowper, Dumfermline, Kirkcaldy: In Stirling, ane, Lythgow: In Lowdiane, four, viz. Edenburgh, Dalkeyth, Haddingtoun, Dunbar: In Tueddall, Peblis: In Mers, tua, Chirnefyd, Duns: In Teuiotdaill, tua, Jedburt, Melros: In Nethifdaill, ane, Drumfreis: In Galloway, tua, Kirkcudbryt, Wigtoun: In the Schirefdome of Air, tua, viz. Air, and Irwing: In Renfrew, Paiflay: In Lennox Shyre, ane, Dumbartane: In Cliddifdaill, thrie, viz. Glafgow, Hamiltoun, Lanerk.

Forfameikill as the vifitatioun of the Prefbitries vniverfallie throughout the haill realme, is thocht ane thing verry neceffar, and fra diuers Affemblies commiffiouns hes beine gevin to that effect; nottheles ane neceffitie zit remaneing quhilk craveit the continewing of the faid commiffioun, the Kirk, therfor, and Commiffioneris prefent hes gevin power and commiffioun to thair louit bretherne vnderwritin, within the particular boundis refpectiué following, that is to fay, For Zetland, Thomas Swyntoun: For Orknay, Mr Robert Pont: For Sutherland, and Kaithnes, Mr Robert Pont and Mr William Pap coniunctlie: For Ros and the Channonrie, Mr Alexander Dowglas; For Murray, Mr George Monro, Mr Andro Crumby, Mr Johne Robefoun: For Aberdeine, Mr Alexander Forbes, Mr Robert Arburthnet, Mr Andro Wyllie: For Mernis, John Durie, Mr Andro Keithe: For Angus, Mr Robert Bruce, Mr Andro Meluill, and Mr James Meluill: For Perth, Dunkeld, Dumblane, and Stirling, Mr James Nicolfon, Mr Nicoll Dalgleifhe: For Fyfe, Mr Dauid Lyndefay, Mr Robert Hepburne, and Mr Patrick Symfoun: For Lowthiane, Mr Andro Moncreif, Mr Dauid Spence, Mr Andro Lamb: For Mers, Mr Adame Johnftoun, Mr James Carmichell: For Tiviottdaill, Mr William Methven, Johne Clappertoun: For Nithefdaill, James Hammiltoun, Mr William Hammiltoun: For Galloway, Johne Porterfeild, Mr Dauid Barclay: For the Schirefdome of Air, Mr Johne Yong, Andro Knox: For Dumbartane, Renfrew, Glafgow, Hamiltoun, and Lanerk, Mr Henrie Levingftoun, Mr Robert Wylkie, Mr Alexander Wreitoun: to vifet and try the doctrine, lyfe and converfation, deligence and fidelitie, of the Paf-

touris within the ſaids Preſbiteries; and ſicklyke to try gif ther be any of the beneficit number within the ſamein, not making reſidence, having no reaſonable caus to purge the ſamein; gif ther be any that hes dilapidat thair benefices, ſett tackis, and made vther diſpoſitiouns therof, by the conſent of the Generall Kirk; ony ſlanderous perſon vnmeit to ſerue in the Kirk of God, and vnhable and vnqualifiet to teach and edifie; and, with advys of the Preſbytrie within the quhilk the ſaidis perſons ar, to proceid aganis them according to the qualitie of the offence, or vndiſpoſitiouns of thair offices, according to the acts of the Kirk: And that this viſitatioun, tryell and examinatioun be compleit betuix and Michelmes nixt to cum, recommending to euerie Preſbeterie, for ſhortning of the ſaidis Commiſſioners travells, ane diligent tryall amangis thame ſelfis be takin befor the Commiſſioners cuming, quherin thay may vnderſtand and note the abuſes quhilk wald be correctit; commanding alſua the Preſbytries within the quhilks the ſaidis Commiſſioners remaines, to provyde for the ſaidis Commiſſioners flockis in thair abſence in the ſaid viſitatioun.

Acta Seſſione quinta, vigeſimo ſexto Aprilis 1593.

The Kirk and Commiſſioners preſent ordaines the parochineris of Sanct Androis to landwart, to big and edifie to themſelves ane paroche kirk, in ſick ane part as the ſaidis parochineris and Preſbytries aggrei vpon, narreſt the middis of the paroche, betuix and Lambes cum ane zeir, according to thair ſuite maid to Parliament, and ſicklyk to the Aſſemblie; certifieing thame and they failzie, thay ſalbe debarrit fra ony benefeit of the Kirk of Sanct Androis.

Anent the kirkis in Orknay and Zetland: In reſpect it is conſidderit that for the nvmber of Illis ther, and that there is not ſtipend to everie particular kirk, quherby the pluralitie of kirkis ſerveing may be eſchewit: thairfor the Kirk quhill the nixt Aſſemblie ordaines the ſaidis kirkis to be ſervet as thay ar preſentlie, in reſpect of the preſent neceſſitie, and diuers vtheris impedimentis.

Ane ſupplicatioun to be gevin in to Parliament to reforme the delapidatioun of the leving foundit in the gramer ſcoole of Kirkwa, ordaining in the meane tyme the Commiſſioner, quha is appointit to veſit the Preſbiterie ther, with adwſe of the ſame, to deprive the perſoun quha hes delapidat

the ſame, in caice he reſtore not agane the ſaid leving to the awin integretie.

The Generall Aſſemblie of the Kirk gevis full commiſſioun and power to the bretherne of the Preſbiterie of Edenburgh, to call befor thame Adame Biſhope of Orknay, and to charge him with the demoliſhing of the kirk of Birſa, to try gif he demoliſhit the ſame: And in caice he be found ſa to have done, to charge him to repair the ſame, that the flok be not deſtitut of ane kirk; vtherwayis to proceid aganis him, and to report thair proceidingis to the nixt Generall Aſſemblie.

Eodem die. Seſſio ſexta.

The Generall Aſſemblie of the Kirk haveing committit the ſycht, reiding and conſidderatioun, of ane new foundatioun of ane Collidge to be erectit in Aberdeine be the Erle of Mariſchell, to certane lernit brether of the Aſſemblie maiſt expert in ſick caiſſes, and vnderſtanding of thame that the ſaid foundatioun and erectioun in ſubſtance is very guid and commendable: thairfor, and efter ſum reſſoning alſo in the matter, hes allowit, approwin and affermeit the ſame, according to the tennour therof in all thingis; and ordanes this thair approbatioun to be gevin out, and act to be maid thervpon.

Memorandum. To inſert the ſupplicatioun of the Laird of Grenok quhilk is lyand in the pok.

Names of excommunicat perſouns gevin vp be the brether.

Allexander Ramſay, brother to the Laird of Dalhowſie; Alexander Creychtoun of Newhall, elder, bayth within the Preſbiterie of Dalkeyth; In Leingar parochin, Thomas Donaldſoun, for dowbill adultrie; In Campſie parochin, William Aikin, for adultrie; In Levingſtoun, Andro Stirling, for ſlauchter of vmquhile Johne Adame; Thomas Kincaid, for ſlauchter of vmquhile Luk Sterling in Cadder; Thomas Blar in Boctay, for thriefald fornicatioun and diſſobedience, lyand vnder the ſentence of excommunicatioun thir four zeiris bygane; In Glaſgow, Matho Heriot, for ſlauchter of vmquhile Andro Ros; Gilbert Inglis, for ſlauchter of vmquhile Samuell Hamiltoun, ſone to the Laird of Preſtoun; Archibald Vduart for the ſlauchter of vmquhile Dauid Ramſay, potter, and Adame Ramſay, his ſone;

Archibald Hegate, for dowbill apoſtaſie, eſter he had firſt put handis in ane Miniſter, ſua thriſe excommunicat; Sir Henrie Oſwald, within the parochin of Strageith, excommunicat for papeſtrie, be Mr James Burtoun in Peblis, the fourt of Marche 1592; Sir William Blakwod in Dumblane, excommvnicat for papeſtrie; Robert Clerk in Ochterardour, excommunicat for inceſt with Elſpet Scot, be Mr Johne Bondronne, Superintendent of Fyff; Hew Barklay, Laird of Ladieland, apoſtat; James M^c^quirrtie, Vicar of Kinkarth in Boit, excommwnicat apoſtat.

Names of Kirkis vacand in Angus and Merns:

Inchſtoir, Abernyt, Innergourie, Logedundie, Lundy, Streikmarteine, Inneraritie, Bendoquhy, Ruthven, Glenyla, Glamis, Effe, Cloday, Lyntrathin, Athie, Methie, Tannardais, Aldbar, Inchbraik, Newdeſk.

Kirks within the Synodall of Glaſgow vnprovydit:

Kilmaronnok, Killarne, Balfrone, Strablane, Cardros, Inchcalzell, Baldernock, Paiſlay.

The Kirks provydit with men, bot wanting ſtipend be vertew of the lait erectioun of the teindis of the Abbacie of Paiſlay in temporaliteis:

Hammiltoun, Glaſſurd, Stennous, Blantyre, Schottis, Dalſerff, Lanrick, Pettenone, Tankertoun, Robertoun, Bigger, Crawfurd Johne, Crawfurd Lyndſay, Dolphingtoun, Covingtoun.

The names of the Kirks vnplantit within the bounds of the Mers:

Lammertoun, Fiſchirwiche, Swintoune, Symprene, Hourden, Fogo, Greindlay, Stitchell, Nenthorne, Hwme, Baſſenden, Ednem, Cranſchewis, Ellem.

Kirkis vacand within the Preſbiterie of Dumblane:

Abirfuill, Kilmahuge, Callendar, Leny, Port, Kilbryd, Balquhidder, Comrie, Tullicheddilly, Sowan, Monivard, Stragethe, Kinkell, Abirruthven.

Kirks vnplantit within the Preſbietrie of Dunkeld:

Straphillan, Killin, Ardrum, Inchechadden, Vemis, Pitcharene alias

Grantilly Kirk, Brenmore, Kilchonnane, Murtrigan, Rannoch, Strówand, Blair in Atholl, Ludeſkil, Manenok, Fos, Muline, Finlarg, Mennoche, Doualie.

In the laich land: Logybryd, Ochtirgawin, Kinclevin, Capeth, Lochindy, Blair in Gowrie, Glenſchie.

Kirks vacand in Cathnes: Thurſo, Wick.

In Orknay: the Southamtoun Kirk, North Rannaldſy.

In Zetland: Auchindenrie, Burra, Breſſy, Neſting, Lunaſting, Olnafirth.

Names of the perſouns quhilks ar to enter in the Miniſtrie.

Mr Andro Mortoun, Mr James Spalding, Mr Dauid Balcome, Mr Dauid Lyndſay, Mr James Eliot, Mr Johne Zoung, Mr Bartcle Robertſoun, Mr John Dwrie, Mr Johne Ogilbie, Mr Charles Walwod, Mr George Viſhard, Mr Adame Walker, Mr William Simſone.

Anent the ſummonds direct be the brether of the Preſbiteries of Glaſgow aganis Claud Commendatour of Paiſlay and his Laidy, to compeir in this Aſſemblie this day, with continuatioun of dayis, to anſuer for the ſacriligious bereving of the Kirk in erecting of the haill rents alſweill teinds as vther in ane temporalitie, as the ſummonds dewlie execute beirs; quhilk being callit afor and efter noone, nane compering, the Kirk ſuperſedit thair proceiding this day, quhill thay ſie gif ony zit compeirs to anſuer.

Acta Seſſio 7a. 27 Aprilis 1593.

In preſence of the haill Aſſemblie, compeirit Schir James Meluill of Halhill, ane of the Commiſſioneris ſpecialie direct be his Majeſtie to compeir in his Hienes name as commiſſioner, and preſentit his Majeſties miſſiue direct to that effect, with certane articles, and ane act of Parliament for inſtructing therof, quhilk the Aſſemblie thocht meit priuatlie to be conſiderit be certane brether, quha wer appointit to confer with his Majeſties Commiſſioner, and to that effect wer depeſchit out of the Aſſemblie to advyſe and gif thair opinioun at thair returne, to witt, Mr Robert Bruce, Mr Robert Pont, Mr Andro Meluill, Mr James Nicolſon, Mr Peter Blackburne, Mr James Meluill, the Laird of Cammo, and Commiſſioners of Edenburgh:

Quha returning, red the articles and thair anſuers, quhilk the Kirk approuit; ordaining the ſaids articles, anſuers therto, and act of Parliament to be regiſtrat in the Regiſter of the Kirk; quherof the tenour herin is ſett down as followis:

The Articles proponit in his Majeſties name to the Generall Aſſemblie, preſentlie conveinit at Dundie.

His Majeſtie declares, that in reſpect he cannot of honour ſie the priveledge of his crowne hurt, therfor he will have regard to have the act of his laſt Parliament keipit concerning the conveining of Generall Aſſemblies be his Majeſties appointment; willing them heirfor, befor thair ſkailing, to direct two or thrie of thair number vnto him, to deſyre him to appoint the day and place of their nixt conveining.

Secondlie, His Majeſtie deſyres them to make ane Act of thair Aſſemblie, prohibiteing all and everie ane of the Miniſtrie, vnder the paine of deprivatioun, to declaime againſt his Majeſtie or Counſells proceidings, in pulpitt, not only in reſpect of his Majeſties knawin good intentioun for the furth ſetting of pietie and juſtice, bot lykeways becauſe his Majeſtie at all tymes gives readie acceſſe and loving eare to ſundrie of the Miniſters, to informe, dilait or complaine, either in their awin name or in the name of any of the reſt of the brether.

Thirdlie, His Majeſtie deſyres them to appoint and put on leit, fyve or ſixe of the diſcreiteſt of the Miniſtrie, that his Majeſtie may make choiſe of twa of them to ſerve in his houſe, in reſpect of Mr Craig his decripit age.

Fourthlie, Seeing that the ſtanding of the religioun and the weilfare of his Majeſties perſon are ſo vnſeparablie joynit, as quhoſoevir are enemies to the ane are comoun enemies to both; ſo his Majeſtie deſyres, that through all the Preſbitries of this countrey, ther ſalbe ſome appointit to advertiſe and informe his Majeſtie heirafter, with diligence, for the more ſpeidy remedie, not only of quhatſumevir practiſes they can learne, in any wayes, of Papiſts and Spaniſch factiouns, but alſo of the receipts and practiſes of Bothwell, quherof they can have any knowledge; whoſe heale courſes, as they are directly aganis his Majeſties perſone, ſo whollie they tend to the ſubverſioun of the whole religioun: With directioun alſo to them to informe the haill Barrons, and honeſt men moſt tenderers of his Majeſties

welfare, to give ever ſuch faithfull intelligence of the ſaids practiſes as they can learne from tyme to tyme.

Fyſtlie, His Majeſtie deſyres, that through all the countrey, quher ther is any ports or landing places, that ther be ſome of the brether ſpeciallie appointit to deale ſo with the burghes, that they may take good and ſufficient tryall, according to his Majeſties law made theranent, of all theſe quho ſall heirafter come in, or paſſe furth of this countrey, quherfra they are come, or quherto they are bound; quhat is thair trafique and intentioun to doe: and ſwa after good and ſufficient tryall, if ther be any thing of weght and importance, that they on na wayis faile to make his Majeſtie acquaint therwithall, to the effect his Majeſtie may the more eaſilie diſcover quhatſumevir forraine or civill practiſes is or ſalbe in heid aganis the preſent ſtate of the religioun: And this he craves to be done ſo faithfullie, as he hes good opinioun of ȝour earneſt affectioun, no leſs in the preſervatioun of his Majeſties awin perſon as in the defence of the comoun cauſe; as alſo he promiſes to aide and aſſiſt ȝow in all [and] quhatſumevir ȝour good reſolutiouns, that may tend to the furtherance of peace and quyetnes; with the advancement and mainteinance of the religioun preſentlie profeſt in this realme.

Humble anſuers of the Generall Aſſemblie to the Articles proponit be his Majeſties Commiſſioners to the ſame, at Dundie the 27 day of Apryle.

Firſt, The Article concerning the conveining of the ſaid Generall Aſſemblie is aggried vnto, according to the tenour of the act of Parliament preſentit with the ſaids Articles.

As twiching the ſecond Article, It is ordainit be the haill Kirk, that no Miniſter within this realme vtter from pulpitt any raſch or vnreverent ſpeaches aganis his Majeſtie or Counſell, or thair proceidings; but that all thair [publick] admonitiouns proceid vpon juſt and neceſſar cauſes and ſufficient warrand, in all feare, love and reverence, vnder the paine of depoſing ſuch as dois in the contrair, from thair functioun and office in the Miniſtrie.

As to the 3 Article, The Kirk aggries therto, and ſpeciallie anent the proviſioun of Miniſters ane or mae to his Majeſtie; that certaine be nominat be the Commiſſioners direct to his Grace be his advyce, of quhom his

Majeſtie may make choiſe: and the brethren to be lykit of his Majeſtie, to be placit and admittit be the Preſbytrie quher his Grace ſalbe reſident for the tyme.

As concerning the 4 and 5 Articles, The ſamein are condiſcendit to and ordour takin, as his Majeſtie ſalbe particularlie informit be the ſaids Commiſſioners.

Follows the tenour of the Act of Parliament.

In the Parliament haldin at Edenburgh, the 5 day of Junij 1592 zeirs, our Souerane Lord and Eſtaittis of this preſent Parliament, following the lovable and gude example of thair prediceſſouris, Hes ratifiet and apprevit, and be the tennour of this preſent act, ratifies and apprevis all liberties, priuileges, immvnities and fredomes quhatſumeuir, gevin and grantit be his Hienes, his Regentis in his name, or onie of his prediceſſouris, to the trew and hally Kirk preſentlie eſtabliſhit within this realme; and declairit in the firſt Act of his Hienes Parliament, the twentie day of October, the zeir of God ane thouſand, five hundreth, three-ſcoir ninetene zieris; and all and whatſumeuir actis of Parliament, and ſtatutes maid of befoir, be his Hienes and his Regentis, anent the libertie and fredome of the ſaid Kirk: and ſpeciallie the firſt act of the Parliament halden at Edinburgh, the twentie foure day of October, the zeir of God ane thouſand, five hundreth, and four ſcoir ane zieres, with the haill particulare actis thairin mentionat, Quhilk ſall be als ſufficient as gif the ſamyn wer herin expreſt; and all vther actis of Parliament maid ſenſyne, in favouris of the trew Kirk; And ſiklyk, ratifies and apprevis the Generall Aſſemblies appoynted be the ſaid Kirk; and declairis, that it ſalbe lauchfull to the Kirk and Miniſtrie everilk zeir, at the leiſt, and ofter pro re nata, as occaſioun and neceſſitie ſall require, to hald and keip Generall Aſſemblies: Providing that the Kingis Majeſtie, or his Commiſſioner with thame to be appoyntit be his Hienes, be preſent at ilk Generall Aſſemblie befor the diſſolving thairof, nominat and appoint tyme and place, quhen and quhair the nixt Generall Aſſemblie ſalbe haldin: and in caiſe nather his Majeſtie, nor his ſaid Commiſſioner, beis preſent for the tyme in that toun, quhair the ſaid Generall Aſſemblie beis haldin, Than, and in that caiſe, it ſalbe leſum to the ſaid Generall Aſſemblie, be themſelffis, to nominat and appoynt tyme and place, quhair the nixt Generall Aſſemblie of the Kirk ſalbe keipit and haldin, as

they haif bene in vſe to do thir tymes bypaſt. And als ratifies and apprevis the Sinodall and Provinciall Aſſemblies, to be haldin be the ſaid Kirk and Miniſtrie, twyis ilk ȝeir, as they haif bene, and ar preſentlie in vſe to do, within euery Province of this realme; And ratifeis and apprevis the Preſbyteries, and particulare Seſſionis, appoyntit be the ſaid Kirk, with the haill iuriſdictioun and diſcipline of the ſame Kirk, aggreit vpon be his Majeſtie, in conference had be his Hienes with certane of the miniſtrie convenit to that effect: of the quhilkis Articles the tennour followis.

Materis to be intreatit in Provinciall Aſſemblies: Thir Aſſemblies ar conſtitute for wechtie materis, neceſſar to be intreatit be mutuall conſent and aſſiſtance of brethrene within the Province, as neid requyris. This Aſſemblie hes power to handle, ordour, and redreſſe, all thingis omittit or done amiſſe in the particulare Aſſemblies. It hes power to depoſe the office beraris of that Province, for gude and juſt cauſeis deſerving deprivatioun: And, generallie, thir Aſſemblies hes the haill power of the particulare Elderſchippis, quhairof they ar collectit.

Materis to be intreatit in the Preſbiteries: The power of the Preſbiteries is to give diligent laubouris in the boundis committed to their chairge, That the Kirkis be kepit in gude ordour; To enquire diligentlie of nauchtie and vngodlie perſonis, and to travell to bring thame in the way agane be admonitioun, or threatning of Goddis jugementis, or be correctioun. It appertenis to the Elderſchip, to tak heid that the Word of God be puirlie preachit within thair boundis, the Sacramentis richtlie miniſtrat, the Diſcipline intertenyit, and the Eccleſiaſticall guidis vncorruptlie diſtributit. It belangis to this kynd of Aſſembleis, to caus the ordinances maid be the Aſſembleis, Provinciallis, Nationallis, and Generallis, to be kepit and put in executioun; to mak conſtitutionis, quhilkis concernis το πρεπον in the Kirk, for decent ordour in the particulare kirk quhair they governe; Provyding that thay alter na rewlis maid be the Provinciall or Generall Aſſemblies: And that they mak the Provinciall Aſſemblies foirfaidis, privie of the rewlis that they ſall mak, and to aboliſhe conſtitutionis tending to the hurt of the ſame. It hes power to excommunicat the obſtinat, formale proces being led, and dew intervall of tymes obſeruit.

Anent Particulare Kirkis, Gif they be lauchfullie rewlit be ſufficient miniſteris and ſeſſioun, they haif power and juriſdictioun in their awin Congregatioun, in materis Eccleſiaſticall. And decernis and declairis the ſaid Aſſembleis, Preſbiteries, and Seſſiounes, Juriſdictioun and Diſcipline thairof

foirſaid, to be in all tymes cuming, maiſt iuſt, gude, and godlie in the ſelff, Notwithſtanding of quhatſumeuir Statutis, Actis, Cannon, Ciuile, or Municipall Lawes, maid in the contrair; To the quhilkis and every ane of thame, thir preſentis ſall mak expres derogatioun:

And becaus thair ar diuers Actis of Parliament, maid in favour of the Papiſticall Kirk, tending to the preiudice of the libertie of the trew Kirk of God, preſentlie profeſſit within this realme, juriſdictioun, and diſcipline thairof, quhilk ſtands ȝit in the buikis of the actis of Parliament, not abrogat nor annullit: Thairfoir his Heines and Eſtaittis foirſaids hes abrogat, caſſit, and annullit, and be the tennor heirof, abrogatis, caſſis, and annullis all Actis of Parliament maid be ony of his Hienes Predeceſſouris, for mantenance of ſuperſtitioun and idolatrie, with all and quhatſumeuir Actis, Lawes, and Statutes, maid at ony tyme, befoir the day and dait hereof, aganis the libertie of the trew Kirk, juriſdictioun, and diſcipline thairof, as the ſamyn is vſit and exerceiſit within this realm.

And in ſpeciall, that pairt of the ſevint act of Parliament halden at [Streviling, the fourt day of November, ane thouſand four hundredth, fourty three] ȝeiris, commanding obedience to be gevin to Eugin the Pape for the tyme.

The j^c and xj act made be King James the thrid, in his Parliament haldin at Edinburgh the twenty fourth day of Februar, ane thouſand, four hundreth, fourſcor thrie ȝeirs; and all utheris actis quhairby the Paipis authoritie is eſtabliſhit.

The 47 act of King James the third, in his Parliament haldin at Edinburgh, the [twenty day of November, ane thouſand, four hundredth, three ſcor nine] ȝeiris, anent the Satterday and uther vigillis to be hally dayes from Evin ſang to Evin ſang.

Item, That pairt of the 31 act maid be the Quene Regent, in the Parliament haldin at Edinburgh, the firſt of Februar ane thouſand, five hundredth, fifty ane ȝeiris, Geving ſpeciall licence for haldin of Paſhe and Ȝule.

Item, The Kingis Majeſtie and Eſtaittis foirſaidis declairis, that the ſecund Act of the Parliament haldin at Edinburgh, the xxij day of Maij, the ȝeir of God ane thouſand, five hundredth, four ſcoir, four ȝeiris, ſall naways be preiudiciall, nor derogat anything to the priuilege that God hes gevin to the ſpirituall office beraris in the Kirk, concerning headis of religioun, materis of hereſie, excommunicatioun, collatioun or deprivatioun of min-

iſteris, or ony ſik eſſential cenſouris, ſpeciall groundit, and havand warrand of the word of God.

Item, Oure ſaid Souerane Lord, and Eſtaittis of Parliament foirſaidis, abrogatis, caſſis, and annullis, the XX act of the ſame Parliament haldin at Edinburgh, the ſaid ȝeir, ane thouſand, five hundredth, fourſcoir, four ȝeiris, granting commiſſion to biſchoppis and vtheris iuges, conſtitute in eccleſiaſticall cauſes, to reſſaue his Hienis preſentatioun to benefices, to gif collatioun thairvpon, and to put ordour in all cauſes eccleſiaſticall: quhilk his Maieſtie and Eſtaittis foreſaidis, declairis to be expyrit in the ſelf, and to be null in tyme cuming, and of nane availl, force, nor effect. And thairfoir ordainis all preſentationis to benefices, to be direct to the particular Preſbiteries, in all tyme cuming; with full power to thame to giff collationis thereupon; and to put ordour to all materis and cauſes eccleſiaſticall, within thair boundis, according to the diſcipline of the Kirk: Providing the foirſaidis Preſbiteries be bund and aſtrictit to reſſaue and admitt quhatſumeuir qualifiet miniſter preſentit be his Maieſtie, or vther laic patrounes.

Ordanis the Preſbitries quhilk as ȝit hes not gottin in the voluntare contrubutiouns within thair bounds appointit for the Kingis garde to travell diligentlie therin, and quhat beis reſſauit to caus be ſend to Edinburgh to Alexander Lawſon, with the names of ſik as refuſis, and maks not payment betuix and the laſt day of May nixtocum.

As to James Anderſon xv merkis, his the Miniſter of Dundy xxiiij ti, Mr Wm Methven for Dwns xxij ti, and laſt ordans thame to caus the ſame be deliuerit to the ſaid Alexander.

Anent the ſupplicatioun of the paroch of Derſy.

(Tak in the bill and anſuer.)

Ordaines ſupplicatioun to be maid in Parliament, that in all kirkis, alſweill Abbay and Cathedrall Kirks, as vtheris quhatſumever, quher ather the haill parochin is kirkland, or ane part therof onelie, and ther has beine nather manſe nor gleib knawin to apperteine therto of auld, or gif ther hes beine ony, and the ſame nocht extendis to fowre aiker of land, That the Eſtaits of the Parliament mak the act afor concerning the deſignatioun of manſſes and gleibis to be extendit to all the forſaid kirks, and that ther be four aiker of kirk land deſignit and grantit to the Miniſter maiſt commodious and eweſt the kirk, quhidder ther hes beine na gleib ther or not, or ane part onelie, not extending to four aiker of land.

The Generall Aſſemblie of the Kirk gives full power to the rycht honorabill George Erle Marſchell, the Laird of Doune, younger, the Laird of Cors, elder and younger, the Proveſt of Aberdeine, Allexander Rutherfurde, Allexander Cullane, burgeſs ther, Mr Andro Meluill, Rector of Sanct Androis, Mr Robert Pont, Mr Dauid Lyndſay, Mr Peter Blackburne, Mr Dauid Cwnynghame, Mr Johne Johneſtoun, Mr Thomas Buchannane, Mr Johne Spottiſwod, Miniſteris of the Evangell, Mr Robert Wylkie, Principall of Sanct Leonards, or to the maiſt part of the ſaid bretherne, to conveine togidder, and viſit the Colledge of Auld Aberdeine, ther to try and examine the doctreine, lyfe, and deligence of the Maiſteris therof; diſcipline and ordour vſit be thame; as als the ſtait of the rent of the ſaids Colledges: And quher thay find abuis, ſa far as thay may poſſiblie, to reforme; remittand to the Aſſemblie ſick thingis as thay can not, to be takin ordour with be thame: and this tryell to begin the laſt day of Auguſt nixt; ordaining, in the meane tyme, that quhill thair cuming that na novatioun be maid ather be ſetting of new taks, confermeing of auld, or electioun of ony new Maiſter; and all things to ſtand ower in the eſtait thay ar in preſentlie: firme and ſtable halding and for to hald all and quhatſumever the ſaids brether or maiſt part of thame in the premiſſes laufullye to be done: and ordaines thair procedingis to be reportit to the nixt Generall Aſſemblie of the Kirk.

Acta Seſſione octaua, Eodem die.

Anent the proviſioun of the Kirk of Lucheris: In reſpect the haill Aſſemblie hes nominat Mr Johne Kynnier to be preſentit to the ſaids parochineris be the Preſbiterie of Sanct Androis to be thair Paſtour, and to be tryit in doctrine, lyfe and converſatioun; and gif the ſaids parochiners hes na juſt of his refuſſall, to be admitit be the ſaid Preſbiterrie to the miniſtrie of the ſaid kirk.

Anent Colledges and rentis therof: The Aſſemblie hes ordaneit that na diſpoſitioun of the leving and rentis therof, be tak or vther titile, be maid without the adwyſe and conſent of the Aſſemblie Generall, vnder the pane of depoſitioun of the perſouns doing in the contrair.

Anent the reſidence of Miniſteris: For furthering of the reſidence of ſik Paſtours as for lack of manſſes are not reſident, it is reſoluit and aggreit

that every parochin, quher the Paſtours manſe is owther rowinous or altogither laikes, be ordainit to repare and build the ſamein manſe vpon thair awin expenſes, with ſtane, timber, and all vther materialls, workmanſchip, cariage, and vther things neidfull for the repairing and bigging therof; quhilk if they failȝie and refuſe to doe, being dewlie requyrit, they ſall not only, ſo many as refuſes, be haldin be the Kirk the haill cauſe of thair Paſtours non reſidence, bot alſo it ſalbe laufull to the aires, executours and aſſignays of the Miniſter or Reider departing, or himſelfe during his tyme, to retaine the poſſeſſioun of the manſs buildit be him, in cace he build the ſamein vpon his awin expenſſis after the refuſeall of the parochiners, ay and quhill the [next] intrant Miniſter or Reidar refound to him, his aires, executours and aſſignayis, the haill expenſſis made be him for repairing and building, at the leiſt ſo mikle therof as the parochin cannot be movit to refound; and that the Preſbytrie, at the intrants admiſſioun, ſall take ordour for the performance [heirof]; provyding that the expenſſis [to] be made be the ſaid Paſtour or Reider exceid not foure hundreth marks; and that the Preſbytrie, after the repairing or bigging of the ſaid manſs, tak the exact tryall and compt of his [ſaid] expenſſis, and give him thair allowance thervpon, to be regiſtrat in thair bookes: And this act to extend to them aſweill that are alyve and hes alreadie biggit, as to them that are to bigge and repaire heiraſter. And lykewayes the ſecond and thrid Miniſter or Reidar, and conſequently the ſucceſſours to the Miniſters quher the manſs is biggit, ſall have the lyke title to crave of the intrant aſter him the ſaids expenſſis, quhilk he hes depurſit to his predeceſſours, ay and quhill the parochiners redeime and outquyte the ſaid manſs or biggings therof, to be made frie theraſter to the intrant Miniſter or Reidar.

Ordaines Mr Samell Chalmer to report the anſueris of the Kirk to his Hienes articles.

Anent the viſitatioun of the buik of deligence produceit be Mr Robert Pont concerning his viſitatioun of the bounds of Orknay, Ȝetland &c.: The bretherne appointit to ſichting therof, reportit thay had found great deligence vſit be him, and all thingis orderlie proceidit in vſing his ſaid commiſſioun; and therfor the ſaid Aſſemblie approveit his ſaids labouris and all things done be him in the ſaid viſitatioun, and ſpeciallie in depoſing of the perſouns not making reſidence.

Anent the proces produceit be the Preſbiterie of Stirling concerning the mater of the parochiners of Egliſhame: The Kirk ordaines thair

brether, Mr Robert Pont, Mr Andro Meluill, to vifit the proces and gif thair judgement to the Affemblie the morne at meiting.

Ane writting being prefentit in the behalf of my Lord Sempill, haveing creadit gevin to him therin: The Affemblie ordainit his creadit to be commwnicat to the brether of the Conferance the morne.

In refpect the Kingis Majeftie his Commiffioner is to depart for certane adois, thairfor the Affemblie, in his prefence, hes appointit thair nixt Generall Affemblie to be at Edinburgh the firft Twyfday of May cum ane zeir.

Acta Seffione nona, octauo Aprilis 1593.

Anent the fupplicatioun prefentit to the Affemblie be the Laird of Vrie, and Hary Drummond, burges of Aberdeine, defireing ane continewatioun of tyme to confer with bretherne, and to be refolueit with the heids of religioun, that therefter thay may fubfcrybe the Confeffioun of Fayth; and ficlyk, anent the fuite maid be Mr Thomas Menzeis, burges of Aberdeine, to reffave his confeffioun and fubfcryptioun of the articles of religioun prefentlie profeffit within this realme: The faid Affemblie and Commiffioneris prefent haveing advyfit therwith, hes ordinet the faidis perfouns to refort to the bretherne of the Prefbiterie of Edenburgh, to confer and be refoluit in all doutis fhay have concerning the faid religioun; and being refoluit, to fatiffie the faid Prefbiterie in all things, according to the ordour to be takin be thame, to quhome the Kirk gevis power to tak ordour theranent; and in caice thay fatiffie the faid Prefbiterie, as faid is, that thay gif to thame ane teftimoniall of thair fatiffactioun; cautioun alwayis being firft takin befor the Kings Majeftie and his Counfell for performeing of fick thingis as thay fall promes and fubfcryve to do to the faid bretherne: and that ane writing be direct frome this Affemblie, informand the Erle Merfchell of thair proceidingis heirin.

Anent the proces deduceit be the Prefbiterie of Stirling in the mater concerning the parochiners of Eglifhame and Mr Andro Boyd: The Generall Affemblie of the Kirk hes ordinet and ordaines that thair brether John Porterfeild, and Mr Andro Knox travill erneftlie and effectiouflie, in name of the haill Kirk, with the Maifter of Eglintoun in fauouris of the faid Mr Andro, that, gif it be poffible with his guid will and fauour,

the ſaid Mr Andro may ſerve at the Kirk of Egliſhame, but trubill or impediment to be maid to him in ony ſort, and that with all guid deligence: And in caice the Maiſter can not be moveit heirto, that the ſaid breither mak intimatioun of his refuſſell to the bretherne of the Preſbiterie of Edinburgh, to quhome the Kirk gevis power to tak ordour therin as thay ſall find beſt for the weill of the Kirk and the glorie of God.

Forſamekill as ther is ane Parliament to be haldin ſhortlie in Junij next, quhervnto many thingis concerning the Kirk ar to be proponit, and that the full Aſſemblie can not be conveinit therto, in reſpect of the Aſſemblie now haldin; thairfor the haill Aſſemblie hes ordanit that ane broder or tua be direct from everie Preſbiterie within this realme, to conveine the tyme of the Parliament in the place quher the ſame ſalbe haldin, to conſult, treit, reſone and conclud, vpon ſik heids, articlis, petitiouns, and ſupplicatiouns, as thay ſall think meitt to be craveit and concludit be conſent of Parliament, for the glorie of God, and for the well and confort of his Generall Kirk within this realme: Quhilkis bretherne ſall have the power of the ſaid Generall Aſſemblie, and proceid as the ſame mycht do gif the haill number wer preſent.

The quhilk day, efter the reaſouns war hard and diſcuſſit, contenit in the appellatioun preſentit to the Generall Aſſemblie be Mr Andro Young, Miniſter at Dumblane, the Generall Aſſemblie ordanes the Preſbitrie of Dumblane to be tranſportit to Ochtirardour, with libertie to the bretherne of Dumblane appeiling to reſort ather to Auchterardour or Stirling, as thay pleis; provyding alwayis, that in caice the gentill and nobill men quha hes ſubſcryvit to aſſiſt the Preſbitrie in Auchterardour, or vthers that ſall happin to ſubſcryve the ſame heireſter, gif inſtructioun to the bretherne to compleine of breking thair promeis; and forder, in caice the Kirk of Auchterardour be not repaird ſufficientlie betuix and the nixt Generall Aſſemblie; or in caice ane ſufficient ſtipend be not provydit for ane Miniſter, that he may mak reſidence at Auchterardour with manſe, gleib: In thir caices or ony of thame, the Preſbitrie ſalbe reeſtabliſhit in Dumblane; and ordanis the Preſbiteries of Stirling and Perth to eſtabliſhe the ſaid Preſbiterie in Auchterardour vpon Thurſday cum xv dayis, and conſtitute the ſamyn of the kirks containit in the roll of the Synodall Aſſemblie; libertie being alwayis reſeruit to the breder of Dumblane, quhidder thay will cheis to be of the Preſbitrie of Auchterardour or Stirling.

Forſamekill as in the Synodall Aſſembleis the buiks of particular Preſbi-

tereis are tryit and vifitit; and heirtofor the buiks of Synodall Affembleis hes not beine tryit in the Generall, quhilk appeirit to the haill breder to be neceffar: Thairfor it is concludit, that, in tyme cuming, to everie Generall Affemblie the buiks of the Synodall Affembleis falbe direct be the Synodollis, to be fychtit and confidderit in the Generall Affemblie, for vnderftanding the better of thair proceidingis, vnder the pane of the fenfour of the Kirk.

Anent the actis of the Kirk: That everie Prefbitrie may be the better inftructit therin, the Kirk hes ordinit Mr James Carmichell, quha hes alreddie tane fum paneis in correcting therof, to perfyte the work, and to prefent the fame to the nixt Generall Affemblie of the Kirk.

The General Affemblie of the Kirk gevis libertie to tranfport Mr Henrie Guthrie fra the Kirk quher he ferves to ony vther kirk within thair bounds quher his giftis may be beft imployit; and in caice thay do not the fame, gifis libertie to the Prefbiterie of Angus and Mernes to tranfport him to ane kirk within thair bounds, with his awin advyfe.

Anent contraverfeis betuix the bretherne of the Minifterie: For vptakin therof, it is refoluit and concludit be the haill brether and Commiffioneris prefent, that quher ony pley or contraverfie arryfis betuix tua brether of the Minifterie, thocht it be in ciuill materis, gif thay bayth be of ane Prefbiterie, that thay elect breder of the faid Prefbiterie, to quhat nvmber thay think beft, quha fall chofe ane ouirman, and fummerlie defyde and gif fentence in the mater, quhilk falbe irrevocabill, and na appellatioun to be interponit therfra: And gif thay be of diuerfe Prefbitereis, that thay lykwayis mak electioun of bretherne of ather of the Prefbitereis in equall nvmber, as the faidis contendentis fall aggrie; quhilk breder fa electit fall cheis ane ouirman, and defyd and gif fentence, as faid is, fra the quhilk na appellatioun falbe interponit; and gif ony broder wilbe wilfull and refuis this forme and fubmiffioun, he falbe haldin be the Kirk contumax. And that this act be put in executioun prefentlie for decifioun of the contraverfie betuix James Anderfoun and Mr Henrie Guthrie.

The Generall Affemblie hes gevin commiffioun and exprefs command to the bretherne of the Prefbiteries of Glafgow and Paiflay, with all poffible deligence, efter the difolwing of this prefent Affemblie, to charge Robert Lord Semple to feparat and divyd fra him and out of his bounds, viz. out

of Cunnynghame and the Schireffdome of Ranfrow, Helene Drummond, adultrix; and that in caice the ſaid Lord be tryit to be fund in ſuſpect place with the ſaid Helene in ony tyme cuming, athir within or without his bounds, or ſcho not to be removet, as ſaid is, the ſaids Preſbitereis to proceid aganis the ſaid Lord and Helene to excommunicatioun, and pronunce the ſaid ſentence aganis thame bayth, vpon their diſſobedience, the ſamyn being tryit ordourlie befor the ſaids Preſbitereis: as alſo that the ſaidis Preſbitereis proceid in ſorder tryell of the ſaids Lords apoſtacie, and contempt of the Word; and fynding him giltie to injoyne ſic diſcipline him as may remove the ſklander, and to command him to obey and fulfill the ſame, or ellis vpon his refuſſell to excommunicat him.

Ordaines the Preſbiterie of Perth to tak ordour for tranſporting of Mr James Row to ſum vther kirk with his awin advyſe, with the firſt opportunitie betuix and the nixt plat.

Anent the Miniſterrie of Sanct Androis. Memorandum, The act is lyin in forme amang the reſt, quhilk ſould be regiſtrat.

The Generall Aſſemblie of the Kirk, be the authoritie gevin to them be God &c. Memorandum, To inſert the ſaid act. It is lyin with the reſt.

Forſameikill as in anſuering of billis gevin in vnto the Generall Aſſemblie often tymes for lack of knawledge of the ſtait of the complents, anſueris ar gevin thairto rekleſlie to the preiudice of bretherne: thairfor for remeid therof in tyme cuming, that the Commiſſioners of tha parteis quherin the complents ar maid, gif they be preſent, be callit be the breder appointed to the anſuering of the bills, for thair better informatioun.

Anent the Miniſtrie of Sanct Androes: The Generall Aſſemblie ordaines and appoints Mr David Black, Miniſter of Sanct Androes, to diſcharge the duetie of a laufull ordinar Paſtour therin, in preaching the Word, miniſtratioun of the ſacraments, and exerciſe of diſcipline, ſo farre as he is able to doe, according to the meaſure of his gifts that God hes beſtowit on him: And to the intent that the ſaid Mr David may, with fruit and confort, travell in the ſaid miniſtrie, the ſaid Aſſemblie ordaines the ſaid Mr David to give in to the Preſbitrie ther ſuch things as he wald have furtherit and brocht to paſſe for the weill of the ſaid congregatioun and miniſtrie therof, to the performance quherof the ſaid Preſbitrie ſall indevore themſelves to thair vttermoſt, having befor thair eyes the honour of God, the weill of the peiple and towne, and the eaſe and peace of thair awin

conſciences; vnto the quhilk Preſbitrie this [preſent] Aſſemblie grants and committs thair full power and authoritie for that effect. And becauſe the ſaid Mr David is not able to entir in that charge alone, the ſaid Aſſemblie hes nominat Mr Robert Wallace, for the ſpeciall meitt qualities they know to be in him, to be aſſociat with the ſaid Mr David, as ane fellow labourer in the miniſtrie forſaid; givand full commiſſioun to the Preſbytrie to try the conſent of the haill towne and Vniverſitie of Sanct Androes, concerning thair lyking of the ſaid Mr Robert to be aſſociat in the miniſtrie, as ſaid is; and finding no reaſonable cauſe [alledgit and] verified againis the ſaid Mr Robert, in lyfe or doctrine, quherfor they ſould not give thair conſent and approbatioun to the ſaid Mr Robert, for the cauſe mentionat, bot the moſt part of the towne and Vniverſitie conſenting to his reſait, the Generall Aſſemblie ordaines [the ſaid Preſbitrie] to aſſociat and place the ſaid Mr Robert, fellow labourer in the miniſtrie of Sanct Androes, with the ſaid Mr David Black; and the ſaid towne of Sanct Androes to pay the ſaid fellow labourer his ſtipend thankfullie, according to the promiſe made in Synodall and Generall Aſſemblies. And in cace the moſt part of the ſaid Towne and Vniverſitie conſent not to the receiving of the ſaid Mr Robert, the Kirk gives libertie to the ſaid Mr David, with the advyce of the [ſaid] towne, to chooſe ane brother of quhom they may both have lyking: And to the intent this ordour takin with the Miniſtrie of Sanct Androes as is above ſett downe, may be the better performit and ſettlit, the ſaid Aſſemblie gives commiſſioun to Mrs Robert Bruce [and] David Lindſay, conjunctlie and ſeverallie, as thair adois and occaſiouns may permitt, to viſite the ſaid Kirk of Sanct Androes in thair returning from the Aſſemblie, and travell with the whole number of the ſaid Kirk, for putting of thair miniſtrie to ane peaceable ſtay and ordour; as alſo to ſie that quhilk is decernit in this Aſſemblie concerning the landwart, to be forderit and brocht to pas, and for quyeting the eſtate of the towne.

Mr William Cock, Commiſſioner, for the Proveſt, Bailzies, and Counſell of the towne, diſſaſſentit from the nominatioun of Mr Robert Wallace.

The Generall Aſſemblie, be the authoritie givin to them of God, diſcharges all and every Chriſtian within the Kirk of Scotland, from repairing to any of the King of Spaine his dominiouns quher the tyrranie of Inquiſitioun is vſed, for traffique with merchandice, negotiatioun, or exerce of

ſea fairing occupatioun, vntill the tyme the Kings Majeſtie, be the advyce of the Counſell, hes ſocht and obtainit ſpeciall libertie and licence from the King of Spaine for all his liegis and ſubiects, to traffique in merchandize, and occupie within the haill pairts of the ſaid King of Spaine his dominiouns, without any danger to thair perſone or guds, for the cauſe of thair religioun or conſcience, vnder the paine of incurring the cenſures of the Kirk, untill the laſt ſentence of excommunicatioun.*

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* The proceedings of this Assembly, with the exception of the two last articles, are printed from a Manuscript in the possession of the Very Reverend Principal Lee, which appears to be the original Minutes in the handwriting of one of the Clerks of the Church.

A. D. M.D.XCIV.

THE Generall Aſſemblie of the Kirk of Scotland conveinit at Edenburgh, the 7 day of May 1594 zeirs.

Exhortatioun beand made be Mr David Lindeſay, laſt Moderatour, the Aſſemblie proceidit to the electioun of ane new Moderatour; and appointing the leits, Mrs Andro Melvill, Patrick Galloway, Patrick Simſone, Robert Pont, the ſaid Mr Andro was choſen hac vice.

Seſſio 2a 8 Maij.

The neceſſitie of the tyme, and affaires quhilk are to be intreatit, being conſidderit be the Kirk, it was concludit that no brother having commiſſioun to this Aſſemblie depart from the ſamein, befor the finall diſſolutioun therof, without licence obtainit therfra vnder the paine of ſuſpenſioun from thair office, vntill they be reponit be ſaid Generall Aſſemblie therto againe.

And as concerning the penaltie of Commiſſioners that comes not to the Aſſemblie at all, or remaines not quhill the end therof, ordaines the Regiſter to be conſidderit, quhat hes bein ſtatute already, and to report afternoone.

Seſſio 3a. Eodem die.

Anent the citatioun of James Drummound, Oliver Zong, James Adie, Johne Reid, Patrick Juſtice, William Hall, indwellars of Perth, at the inſtance of the brethren of the Preſbitrie ther, for the ſlanderous reſetting of the apoſtats Lords within thair towne: The ſaids perſons compeirand, and inquirit, If they receipt the ſaids Lords, and acknowledgit therin ſimplie ane offence done to God and his Kirk, anſuerit, They receipt them, bot againſt thair will, and for obedience givin to the Kings charge; alwayes befor the comeing of the charge, the greateſt part of the towne had condiſcendit to receive them: and being urgeit with the promiſe they made not to receive them, and violatioun therof, anſuerit, That promiſe of aſſiſtance was made to them and not keipit. After quhilk anſuer, being removit, and certaine good brethren direct to conferre with them, and reentring, they for themſelves, and in name of the haill toun, confeſt to the glorie of God and ſatiſfactioun of the Aſſemblie, that they were over raſh and ſudden in receiving ſuch notorious enemies to God, deſyring moſt earneſtlie that no man be ſlanderit or take evill example therby; proteſting before God, they entrit in the towne againes thair hearts that are preſent heir, promiſeing, be Gods grace, nevir to give occaſioun in tyme comeing, and to aſſiſt and mantaine the true Kirk of God and his religioun profeſt publicklie within this realme, and to reſiſt the enemies and adverſaries therof to the vttermoſt of thair power, and to obey and put in executioun, ſo farre as concernes thair duetie, the ordinances of the Kirk aggrieing with the Word of God: Quhilk profeſſioun they gave in wryte, and ſubſcrivit the ſamein with thair hands, ſo many as could wryte, in preſence of the haill Kirk; quherwith the brethren ſtanding content, ordainit the Miniſter of the towne of Perth to publiſch the ſamein in pulpitt, and to declare the ſatiſfactioun of the Aſſemblie theranent; ordaining alſo the actis concerning this offence, regiſtrat in the bookes of the Preſbitrie, and proceſſe deduceit therin againſt the towne, to be obliterat and put out of the Regiſter.

Seſſio 4a. 9 Maij.

Anent the ſentence of excommunicatioun pronouncit be the brethren of the Synodall Aſſemblie of Fyfe [in October,] againſt the apoſtat Lords: The haill Aſſemblie, in ane voyce, ratifies and avowis the ſaid ſentence, and proces of excommunicatioun led againſt them; ordaining the haill Paſtours within this realme, to intimat ſolemnlie at thair kirks the ſaid ſentence, that none pretend ignorance of the ſame; except Alexander Lord Hoome, quho hes ſatiſfied the Kirk, and is relaxit therfrom.

Forſameikle as particular inquiſitioun hes been made of the Preſbitries, concerning thair diligence for extirpatioun of Papiſtrie, diſcipline vſed againſt them, and receipters of excommunicats and Jeſuites and Seminarie Prieſts, querthrow the danger evident to the true religioun and the Kirk of God may be rightly weyed, It was thocht meit to take a conſideratioun of his Majeſties indevore and of the haill Kirks forder in this matter; quherin, firſt, ſindrie of his Majeſties good ettlings were laid down, ſpecialle at the raid of Aberdein, quherin his Majeſtie, Noblemen and Barrons, conveinit, made a Band for [the] ſurety of religioun, tooke the houſes of the apoſtates, and put men into them, callit ſuch as were Papiſts, quhilk were ſent to Edenburgh to ſatiſfie, and commiſſioun givin be his Majeſtie to the Erle of Marſchell of Lievetennandrie for repreſſing of Papiſts and traffickers.

Sicklyke diverſe Barrons callit in be his Majeſtie to cognoſce the ſame to be thair hand wrytes of the blankes ſubſcrivit be the apoſtate Lords, quho verified the ſamein to be thair hand wrytes.

Item, After his returning from the ſaid raid, ane act of Counſell made, that nane ſould procure at his Majeſtie to any favour or grace to them, with ane charge to his Miniſters to take the oathes of his domeſtickes, that they ſould no wayes interceid for them at his hand; quhilk was done.

[And as concerning the part of the Kirk in thir dangers: That it may appeare they have not bein ydle or negligent [in] craveing remedie, thair travells was conſidderit in this, that Commiſſioners from the Aſſemblie had proponit articles to the Parliament for forfaultour of the apoſtat Earles; that petitions were directit from a Convention of Miniſters and Barons holdin in Edinburgh, to the King when he was at Jedbrught, and again

from another Convention holden at Linlithgow; of all quhilk ſmall ſucceſſe hes bein, and the danger nothing diminiſchit. C. & B.]

Followeth the tenour of the Band and Act above ſpecified, [ordained to be regiſtred in the Books of the Aſſemblie. C.]

We, Noblemen, Barrons, and vthers, vnderſubſcryveand, being fullie and certainelie perſwadit of the treaſonable practiſes and conſpiracies of ſundrie his Hienes vnnaturall and vnthankfull ſubiects againſt the eſtate of the true religioun preſentlie profeſt within this realme, his Majeſties perſon, crowne, and libertie of this our native countrey, and finding his Majeſties good diſpoſitioun to prevent and reſiſt the ſamein, and to repreſſe the cheif authors therof, his Majeſtie having our concurrence and aſſiſtance to the ſamein effect, Therfor, according to our bound duetie and zeale aught to Gods glory, love of our native countrey, and affectioun to his Majeſties perſon, crowne, and eſtate, we have promittit, and be thir preſents promitts, faithfullie binds and obleiſhes vs, and everie ane of vs, to concurre and take ane effald, leill and true part with his Majeſtie, and ilk ane of vs with vthers, to the libertie and defence of the ſaid true religioun, crowne, and countrey, from thraldome of conſcience, conqueiſch and ſlaverie of ſtrangers, and reſiſting, repreſſing, and perſute of the cheife authors of the ſaids treaſonable conſpiracies; as, in ſpeciall, of George Erle of Huntlie, William Erle of Angus, Francis Erle of Erroll, Sir Patrick Gordoun of Auchindoun, Knyght, Sir James Chiſholme of Dundarne, Knyght, Mr James Gordoun, William Ogilvie, Robert Abercrumbie, and all vthers Jeſuites, Seminarie Preiſts, traffiqueing Papiſts, and vthers, his Hienes declairit traitours, rebellious and vnnaturall ſubiects, treaſonabill practiſers againſt the eſtate of the true religioun, his Majeſties perſon and crowne, and libertie of this our native countrey: And to that effect, we, and every ane of vs, ſall putt ourſelves in our armes, ryſe and concurre, and paſſe fordwart with his Majeſtie his Livetennants, or vthers having his Majeſties power and commiſſioun, at all tymes, as we ſalbe requyrit be proclamatiouns, miſſive letters, or vther wayes, and ſall never ſhrink nor abſent ourſelves for any particular cauſe or quarrell amongſt ourſelves: We ſall not ryde, aſſiſt, ſhew favour, give counſell to [nor take part with] the ſaids Erlis, Jeſuites, nor vthers forſaids, nor zet with the perſons de-

nuncit, or that ſalbe denuncit to the horne, or declarit fugitives fra his Majeſties [lawes,] for the treaſonable fyre raiſing and burning of the place of Dunibirſle, and murther of vmquhile James Erle of Murray, and neither receipt, ſupplie, nor intertaine them, nor get furniſch them meat, drink, houſe, nor harberie, nor vtherways have intelligence with them, privatly nor publickly, be letters, miſſives, nor no vther manner of way; the ſkaith and harme of vthers we ſall not conceale, but diſcloſe and imped the ſame to our vtter powers; the quarrell or perſute of vs or any of vs we ſall eſteime, lykeas preſentlie we doe eſteime, equall to vs all; and, be ourſelves, our haill forces, lykeas his Majeſtie, with his Hienes force and authoritie, hes promittit and promitts to concurre and aſſiſt together, ilk ane in the defence of vthers to our vtter powers; and in cace any variance ſall happin to ſall out amongſt any of vs, for quhatſumevir cauſe, we ſall ſubmitt, lykeas preſentlie we ſubmitt vs, to the judgement and delyverance of any two or thrie of the principalls of vs, ſubſcryvers of this preſent Band, and fulfill quhatſomevir ſalbe declarit be them but reclamatioun or contradictioun.

Attour his Majeſtie, be whoſe directioun and command, with advyce of his Counſell, ther is certaine Barrons and vthers Gentlemen directit to remaine in the ſouth parts of this realme, hes promittit, and be thir preſents promitts, be the word of a prince, that the ſamein Barrons ſall not be licentiat to returne home againe to the ſaids north parts; neither ſall any favour be grantit to the ſaids Erles, Jeſuits, nor vtheris above mentionat, nor [no] ordour tane nor diſpencit with, without the ſpeciall knowledge and advyce of the Livetennant and Commiſſioner for the tyme, and ſixe of the principall Barrons, at the leaſt, inhabitants of the ſaids north parts, ſubſcryvers of this preſent Band: And this to doe, we, the ſaids Noblemen, Barrons, and vthers forſaid, hes ſworne and ſwears be the great God our Creatour, Jeſus Chryſt his Sonne our Redeimer, the Holie Ghoſt our Sanctifier, witneſſes of the veritie heir aggried vpon, and revengers of the breake therof; and farder obleiſhes vs heirto vnder the paine of perjurie, infamie, and tinſell of credit perpetuallie, honour and eſtimatioun in tyme comein, beſydes the ordinarie paines of the lawes to be execute vpon vs, in ſigne and memorie of our vnnaturall defectioun from God and his Majeſtie. In witnes quherof, we have ſubſcrivit thir preſents with our hands, as followes, lykeas his Majeſtie, in tokin of his allowance and approbatioun of the premiſſes, hes ſubſcrivit the ſamein, att Aberdein the day of Marche 1592.

[The names of thefe that fubcrived the Band anent the Religion, at Aberdeen, March 1592.

JACOBUS REX.

Lennox.
Atholl.
Marr.
Marifhall.
Henry Stewart of Uchiltree.
Cancellarius.
James Lord Lindfay.
John Lord Invernefs.
Inuermethe.
John Mafter of Forbeffe.
Sir Robert Melvill.
Blantyre.
[Cockburne, Sir John?] Cobrone.
Tullibardine.
Sir George Hume.
Alexander Hume.
Drum.
John Grant of Frewquhy.
Walter Ogilvie of Finlater.
Philorth.
Pitfligo.
Robert Innes of that ilk.
John Midletoun of Kilhill.
Walter Ogftone of Fettercarne.
William Achanachie of that ilk.
Mr William Meldrum of Mancofer.
Robert Falconer of
James Lyall of
Arthure Gardine of Banchrie.
George Hume.
Kenneth McKenzie of Kintail.
George Ogilvie of Banff.
J. Lindfay of Brodland.
George Roffe of Balnagoun.
William Forbeffe of Tolquhown.
John Forbeffe of Echt.
William Strachan of Glenkindie.
Alexander Blakhall of that ilk.
John Lumfdane of Cufchnie.
John Urquhart of Culbo, Tutor of Cromertie.
John Cuming of Earnfide, younger.
William Leflie of Wardes.
Alexander Forbes of Thainftoune.
Mr Alexander Cuming of Ailter.
William Burnet of Camphell.
Patrick Gordon of Hilhead.
Andrew Harvy of Elke.
William Forbeffe of Corfe.
Alexander Forbes, Tutor of Brux and Gelane.
Alexander Forbeffe of Fingafk.
William Keith of Ludquharne.
Alexander Skeene.
Donald Farquhardfone of Tilligarmonth.
Thomas Frazer of
Hector Munro of Foullis.
Andro Frafer in Tyry.
William Sutherland of Duffus.
Alexander Hay of Dalgetie.
Walter Cheyne of Arnege.

Patrick Cheyne of Eſlmonth.
Gilbert Meingeis of Petfoddelis.
J. Burnet of Leyis.
William Forbeſſe of Carſindea.
John Gordon, with my hand, ȝounger of Auchindore.
Alexander Forbeſſe of Auchintoul.
George Jhoneſtoune of that ilk.
John Forbeſſe of Colleis.
George Bannerman of Waterton.
James Gordon of Haddo.
Andrew Reid of Colleſtoune.
Androw Tillidaffe of Ranneſtoun.
Andrew Fraſer of Stoniewood.
William Forbeſſe of Monimuſk.
James Mortimer, feir of Cragivarr.
Petrie Leſlie of that ilk.
Petrie Leſlie of Kincragie.
Androw Leſlie of Newleſlie.
James Stewart of Ryland.
John Fraſer of Crichie.
James Innes of
William Abernethie of
Thomas Leaſk of that ilk.
David Brodie of that ilk.
Mr William Leſlie of Warthill.
Mr James Skeen of Weſtercorſe.
Alexander Strauchan of Thorntoun.
Mr Robert Douglas of Glenbervie.
J. Areſkine of Pitodrie.
Robert Straquhan of Dillivaird.
[Sir John] Wiſheart of Pittarow.
Robert Arbuthnet, feir of that ilk.
William Roſſe appeirand of
John Dumbarr of Maynes.
Walter Watt of
William Udney of that ilk.
Alexander Dumbar appeirand of Tarbat.
Mark Dumbar of Dullus.
William Seatoune of Blair.
John Keith of Rewinſcraig.
Duncan Leſlie of Pitcaiple.
Robert Coutis of
George Mortimer of Auchinbeadie.
Alexander Buchane of Auchmacoy.
John Grahame appeirand of Morphie.
John Pantoun of Pitmedden.
Alexander Chalmer of Balnacraig.
John Roſſe of Auchloſin.
George Meldrum of Drumbrek.
Archibald Douglas of Pendreich.
Robert Tulloch of Tannacheis, Proveſt of Forreſſe.
Alexander Cumming appeirand of Alter.
William Keith appeirand of Pittarey.
John Keith of Northfeild.
Alexander Ogilwy of Boyne.
John Hay appeirand of Lochloy.
Alexander Kinnaird appeirand of Cubin.
John Leſlie of Dandileith.
William Wrwing of Beltie.
George Ogilvie of Cullen.
John Chalmer of Bobithen.
John Abercrombie of Skeith.
William Dumbreck of Wrtoune.
Hugh Crauford of Quhithill.
George Adamſon of Brako.
John Innes of Auchlunkart.
John Forbeſſe of Auchanachie.
William Abercrombie of
Robert Innes of Elrick.

William Chalmer of Achorthie.
William Forbeſſe of Barnes.
Alexander Skeen of that ilk.
John Irwine of Petmurchie.
Alexander Caddell of Aſlowan.
Alexander Innes appeirand of Pathnick.
Andrew Meldrum appeirand of
Alexander Hay of
[Alexander] Burnet of Gaſk.
William Ferquharſone of Kelleyis.
William Craig of Craigffintrie.
Gilbert Ogilvie of
William Pendreigh of that ilk.
Alexander Leſlie of Bucharne.
Mr John Innes appeirand of Cokſton.
Alexander Fraſer of Dorris.
Andrew Knokis of that ilk.
Magnus Mowat appeirand of Bucholy.
William Ogilvie appeirand of
John Ogilvie of
Thomas Innes appeirand of Edingeith.
Alexander Gardine of Blackfuird.
George Gardine of Banchrie.
Alexander Keith of
Thomas Burnet of Craigmyle.
Alexander Abernethie of Laſhindrum.
Alexander Spence of Boddum.
James Creightoun of Coulen.
James Ogilvie of Blerock.
James Forbeſſe of Fichile.
Alexander Annan of Achterellen.
Andrew Meldrum of Auchorthie.
David Ramſey of Bomaine.
Seatoun of Craigie.
John Cruikſhank of Tillimorgen.

[Apud Halirudhous quinto die menſis Januarij. Anno j^{m} v^{c} lxxxxij^{o}.

Forſamekill as albeit the dangerous effectis of the couerit and biſſy trauellis of Jeſuitis, Seminarie Preiſtis, born ſubiectis of this realme, and ſum vthiris ſtrangearis, thir late ȝeiris hes bene oft eſpyit and fearit, and for that caus, be ſindrie louable lawis, actis, and proclamationis, alſwele thair awin remaining as thair reſſett, prohibite vnder diuers heich panes; ȝit thair cullourit ſimplicitie and entiſementis hes ſa fer preuaillit as thay haue nocht onlie purcheſt to thame ſelffis ſauour and credite to be keipit, huirdit, and intertenyit in ſindrie pairtis of the realme, eftir mony promiſſes maid that thay ſould haue departit furth of the ſame, but als thay haue tane occaſioun and laſure to perſwade ſindrie of his Hienes ſubiectis to apoſtacie frome that religioun quhairin thay wer foſterit, weill inſtructit and groundit, and hes confermit vthiris in thair errouris, and at laſt ſeduceit thame to caſt of thair dew obediens quhilk they aw to his Maieſtie, and entir in treſſounable conſpiracie for inbringing of ſtrangearis Spanȝeartis in this

realme, this nixt ſpring or ſouner, to the ouerthrow his Hienes and all profeſſing the trew religioun with him, and to the ruyne and conqueiſt of this ancient kingdome and libertie quhilk this natioun hes inioyit ſa mony ageis, that it may be ſubiect heireſtir to the ſlauerie and tyrrannie of that proude natioun, quhilk hes maid ſic vnlauchfull conqueiſt in diuers pairtis of the warlde, alſwele vpoun Chriſteanis as Infidellis, quhereuir the ayd of Spayne hes bene ſocht; regairding in the end na better thair inbringaris nor thame aganis quhome thay wer inbrocht, being anes victoris and commandaris, as eaſilie may be provin be ſpeciall examplis, quhilk the malicious and vnnaturall ſubiects of this realme wald repute bot as generall and improbable diſcourſis, publiſt in haitrene of that natioun to quhome thay haue alreddy ſauld thame ſlaveis, and ar thair freindis and factouris in this land as thay ſpeik and write, wer nocht it hes bene the gude pleſure of Almightie God to mak the pruffe heirof certane and without all doubt, be detecting of the ſimple trouth of the intentioun and finall caus of all the craftie practizes of thir pernicious trafficquing Papiſtis, Jeſuitis, and Seminarie Preiſtis, aganis God, trew religioun, his Maieſtie, and libertie of this cuntrey; namelie, Maiſter James Gordoun, ſader bruthir to the Erll of Huntlie, Maiſter Robert Abircrumby, ſader bruthir to the Laird of Murthley, quhais letters, directionis, aduyſes, ȝea and the meſſingeris caryaris of thair credite and certane vthiris cheiff inſtrumentis and furtheraris of thair trade, God hes caſſin in his Hienes handis, quhen the ſhip appointit for thair tranſporting wes in full reddynes to mak ſaill: Quhairby his Maieſtie is now not onlie ſufficientlie foirwarnit of the eminent dangeir to trew religioun, his awne eſtate and perſone, his realme and faithfull ſubiectis, bot reſoluit with Godis help, be quhais Prouidence he hes bene ſa wounderfullie delyuerit fra mony former perrellis, to try the full circumſtanceis of this ſa heich a conſpiracie and deteſtable treſſoun, to withſtand it, and pvniſhe the ſame on all gilty thairof, in example to the poſteritie; and that nane of his ſubiectis heirtofoir abuſit and diſſavit be the craftie illuſionis of thir pernicious and buſy werkmen, ſall remane ony langar doubtfull of the treuth, or of his Maieſteis awne mynd and intentioun, Ordanis letters to be direct to officeris of armes, Schireffis in that parte, to mak publicatioun of the premiſs, be oppin proclamatioun, at the mercat croceis of the heid burrowis of this realme and vthiris placeis neidfull, for warning thame of thair awne dangeir, giff thay ſall ſuffir thame ſelffis to be ony langer led in errour be ſic diſſavable ſpirittis, to the

perrell of thair ſaulis, bodyis, landis, and guidis; and therfoir to abſtene frome ſorder harkenning to thair treſſounable perſwaſionis, and frome all intertenyng, reſſett, ſupplee, intercommoning, or haueing intelligence with thame, directlie or indirectlie, vndir quhatſumeuir pretext or cullour, vndir the pane of treſſoun; commanding alſwa all and ſindrie his Hienes faithfull and obedient ſubiectis that luiffis and feiris God, and wald the ſtanding and weilfair of his Maieſtie thair Souerane Lord and King, profeſſing with him the ſaid trew and Chriſteane religioun, and deſyris that thay, thair awne wyffis, bairnis, and poſteritie, ſould now and heireftir enioy the commoditeis of this thair natiue cuntrey, vnconqueiſt and made ſlaves in ſaullis and bodyis to merciles ſtrangeris, that thay eirniſtlie imploir the mercy and protectioun of Almichtie God for thair defence and ſauegaird; and putt thame ſelffis in armes be all the gude meanis thay can, remaining in full reddynes to perſew or defend as thay ſalbe certifeit be his Maieſtie or vthirwayes findis the occaſioun vrgent; in the meantyme diligentlie eſpying and getting intelligence of the treſſounable courſes and procedingis of the ſaidis Jeſuitis, Seminarie Preiſtis, and trafficquing Papiſtis, thair fauouraris, mantenaris and reſſettaris, and mak aduertiſment to his Maieſtie or ony of his Counſall thairof, with all ſpeid and celeritie, as thay will anſuer to God and his Maieſtie thairvpoun. Reg. Sec. Conc.]

The Generall Aſſemblie of the Kirk gives commiſſioun to thair brethren, Mrs Patrick Galloway, the Kings Majeſties Miniſter, Peeter Blackburne, and Patrick Simſone, to give informatioun to his Majeſtie [reſiding then at Sterlin] of the evident danger imminent to the Kirk of God within this realme, according to the inſtructioun givin to them; and therwithall to preſent to his Majeſtie the humble articles and petitiouns of the Aſſemblie proponit for removeing of the ſaids dangers; and to inſiſt with all humilitie and due reverence for his Majeſties good anſuer thervnto, to the glorie of God and good of his Kirk; and to report with all good diligence his Majeſties anſuer, before they diſſolve.

The dangers quhilks, throw the impunitie of the excommunicat Papiſts, traffiquers with the Spaingeards and vthers enemies of the religion and eſtate, are imminent to the true religion profeſt within this countrey, his Majeſties perſon, crowne, and libertie of this our native countrey.

The ſamein dangers, quhilks of beſoir be the craftie and pernicious practiſes of the Jeſuites, and the malicious, vnnaturall, and treaſonable conſpiracies of the Erles of Huntlie, Erroll, and Angus, with thair complices, threatins the ſubverſion of the true religioun, and the profeſſours therof, his Majeſties crowne and perſon, and betraying of this thair native countrey to the cruell and merciles Spaingeards, and were at that tyme diſcoverit, and [vively] apprehendit be his Majeſtie and Eſtates, and haill body of this realme, ſo evidentlie that none can pretend ignorance, at this tyme are imminent, more vrgent, and more to be feared nor quhen the danger appeirit to be greateſt, as may evidently appeir be the reaſons following:

Firſt, It is certaine that the Spaingeard, quho, with ſo great preparatioun in the 88 geir, interpryſed the conqueiſch of this yle, remaines as get in that firme intentioun, and waites only vpon a meitt occaſioun to accompliſh that his purpoſe, as appeirs cleirly be his continueing in [this] intertainment of intelligence and traffiqueing with the forſaids excommunicats ever ſince the diſſipatioun of his navie.

Secondlie, The manifeſt rebellions of the forſaid excommunicats and defectioun from his Majeſties obedience, after ſo evident appeirances of thair wrack for thair manifeſt and treaſonable attempts at the Brig of Die, at Falkland, &c. and the prooſe of his Majeſties clemencie and favour towards them in pardoning thair foirſaids treaſons, declares that thair malicious and reſtles ingynes in the proſecuting of thair vnnaturall conſpiracies aganis the religioun and countrey, cannot leave [off] nor ceaſe ſo long as they are not puniſchit, nor reſtrainit by juſtice and executioun of juſtice.

Thirdlie, Quheras the Kirk, at all occaſiouns, hes inſiſtit to declare to his Majeſtie and Counſell, and Eſtates, the dangers evident for the tyme, and to crave convenient remedies thervnto, get in effect nothing hes bein obtained thervnto, notwithſtanding quhatſomevir promiſes, actis, proclamations, readis &c.; quherthrow they have bein alwayes put in great ſecuritie, and takes libertie and boldnes of farther practiſes and attempts.

Fourthlie, Notwithſtanding it was expreſſlie provydit be act of Counſell, that none ſould preſume to traffique or ſpeake in favour of the ſaids excommunicats, vnder the paine of tinſell of thair offices; ȝet now they are advancit in greater credit of his Majeſtie, that have bein knowin to be thair cheifeſt favourers; and they ceaſe not ȝet, contrair to thair promiſes, to procure them all favour, ſicht and immunitie, as it appeirs in effect, quhatſoevir they pretend.

Fyftlie, The erectioun of the idolatrie of the Meſs in diverſe quarters of the land, as, namelie, in Mr Walter Lindſayes houſe of Balgay in Angus, in the ȝong Laird of Bonytounes houſe of Birnes, in the Erle of Angus houſe of Bothwell in Cliddiſdaill, and in the places of his reſidence in Dowglaſdaile, and in the Erle of Huntlies houſe of Strabogie and Auld Aberdein, in the Erle of Errolls houſe of Logieamount and Slaines, proves cleirlie that either they find themſelves ſufficiently aſſured of ſuch favour and aſſiſtance within the countrey as may plainly mantaine thair cauſe be force, or els [that] they are perſwadit of the aide of ſtrangers, to be at readines in ſuch due tyme as they may ſerve for thair releife, before that his Majeſtie and the profeſſours of religioun performe any thing in effect in the contrair, or vtherwayes they durſt nevir ſo openlie diſcloſe thair idolatrie.

Sextlie, The refuſeing of the act of abolitioun offerit to them be his Majeſtie, to the great greife of his good ſubiects, proveth ſufficiently the ſamein; for it is very probable and manifeſt that they nevir wald have refuſit ſo great a benefite, except they had thoght themſelves fullie aſſured of a better, either be favour of Court and aſſiſtance within the countrey, or be [concurrance and] aide of ſtrangers without.

Sevinthlie, Thair refuiſall to entir in ward, notwithſtanding of his Majeſties indignatioun, and all that might follow thervpon, proves the ſamein.

Auchtlie, The late arriveall of this barke at Montrois evidently ſhawis, that thair dangerous practiſes are preſentlie at the point of executioun aganis the religioun and the countrey, and mon haſtilie bring foorth ſome great inconvenient, except they be preventit and reſiſtit be ane preſent remedie.

Nynthlie, The oppin conventiouns of the forſaid excommunicat Erles haldin at Brechin and vther places, ſince the arriveall of the ſaid bark, declares that they eſteime thair courſes now to be ſo ſubſtantially led, that they regard not quhat [may] be done for reſiſting of the ſame.

10. The diligence of the ſaids excommunicats in preparing and putting thair haill forces in the north in armes and readines, vpon advertiſement, ſhewis that they have ſome preſent interpryſe, and attends only vpon concurreance, quhilk appeirandly they are verie meikle animat to looke for ſince the arrivall of the ſaid bark.

11. Quheras his Majeſtie and Eſtates, at the firſt diſcoverie of thair conſpiracies, apprehendit a very great danger to true religioun, the Kings Eſtate and Crowne, and libertie of the countrey; and notwithſtanding that the ſamein cauſe of danger as ȝit remaines haill vnremovit, ther is no apprehenſioun of any danger, nor earneſt care to withſtand it: It is evident, that either ther is ane inclinatioun and purpoſe to cover, extenuat, and beir foorth the evill cauſe, quherthrow they will not ſie; or els the Lord in judgement hes blindit and hardnit the hearts of all Eſtates, to grop in the mid day that quhilk they cannot ſie, quhilk is the greateſt danger of all, and ane moſt certaine argument of the wrath of God, and his heavie judgement hingand over the land, and ſo meikle the more to be fearit, becauſe ther is no cauſe of feare apprehendit.

Remedies of the ſamein.

For remedie of the forſaids dangers, the Aſſemblie ordaines the Commiſſioners to deale earneſtly with his Majeſtie, that he may apprehend the perrill, and be movit with ane bent affectioun, to proceid againſt the foirnamit excommunicats, Papiſts, traittours, as followis.

The Remedies.	The Kings Anſuers.
1. That the ſaids excommunicats be forfaultit without favour, and to that effect, that the Parliament appointit to the 27 of this inſtant, be haldin preceiſlie without any kind of delay; the advocat ſufficientlie inſtructit in every point, that the ſummounds may be found relevant, and ſufficient probatioun provydit.	There sall nothing of the turne be vndone on my part, as I have at lenth declarit to the beirers.

2. That none ſuſpect of religioun be choſin vpon the Articles.

Great reason, and farther as I have shawin the forsaid bearers.

3. That they be perſewit after the foirfaultrie be way of deid with all extremitie, and thair land and rents annexit to the crowne, to remaine with his Majeſtie and ſucceſſours for ever, and no part therof diſponit to any in favour of the perſons foirfaultit.

Great reason, the foirfaultrie being endit.

4. That in the meane tyme his Majeſties guard be imployit for apprehending of Mr Walter Lindſay, the Abbot of Newabbay, Bonytoun, ȝounger, Mr George Ker, Mr Alexander Leſlie, Thomas Tyrie, with all vthers traffiquers, Jeſuites, and Seminarie Preiſts, not contained in the ſumounds of forfaultrie.

How willing I am to be imployit in apprehending any practiseing Papists, I remitt me to the bearers declaratioun.

5. That the rebells houſes be takin, chargit and mannitt, [and thair] livings intromettit with and vptakin into his Majeſties vſe without favour, and no part therof diſponit to thair friends, or any vther perſon for thair comoditie.

Great reason how soone they are forfaultit; [and] I thank them for thair Counsell.

6. That all perſons be inhite vnder the paine of treaſon, and tinſell of lyfe, land and goods, to receipt, ſupplie, ryſe, concurre, and have intelligence with the forſaids excommunicats, vnder quhatſumevir pretence of vaſſalls dependers.

Great reason, thair foirfaultour alwayes preceiding.

7. That the haill ſubiects be chargeit to put themſelves in armes, be all good means they can, remaining in full readines to perſew and defend, as they ſalbe certified be his Majeſtie, or vtherwayes findand the occaſioun vrgent.

To be ready at my charge is very meit; but I vnderstand not the last clause of vrgent occasioun.

8. That the bark arryvit at Montrois be apprehendit, and that the perſons that were within her, togither with ſuch [vthers] as hes had a dealing with them, according as they ſalbe givin vp in tickett, be callit and diligentlie examinit for diſcoverie of the practiſes and purpoſes quhilk they have preſentlie in hand.

I sall omitt no diligence in that quhilk can be requyrit at my hands, as I sall ansuer to God.

9. Forſameikle as the Lord Hoome hes contraveinit ſundrie points, quherin he was obliſchit to the Kirk of Edenburgh be his promiſe at the receiving of his ſubſcriptioun, as, namelie, in not ſatiffieing the Aſſemblie of Fyfe; in not receiving a Miniſter in his houſe; in not removeing out of his companie Captaine Andro Gray and Thomas Tyrie; quherby, [as] alſo be his ſlanderous lyfe ſen his ſubſcriptioun, he hes givin juſt cauſe of ſuſpicioun to the Kirk and all good men, that in his heart he is not ȝet truelie ſanctified and converted to the true religioun: Therfor, that his Majeſtie wald take earneſt tryall of the premiſſes, and therof judge if ther appeir in him ſick a

Distingue tempora et concordabis Scripturas. The meaning of this the beirers will expone vnto ȝou.

ſinceritie of religioun and lyfe as his Majeſtie may lippen to, and the Kirk looke for ſure freindſhip in ſuch dangerous a tyme, in the cauſe of religioun; quhilk not being found, that his Majeſtie wald remove him fra his companie, and diſcharge him of all publick office and comandment.

10. That the Guard preſentlie takin vp be tryed, together with thair Captaines, in reſpect of many complaints givin in againſt them to the Aſſemblie.

The complaints belongs not to thair office: Alwayes I have satisfied the beirers heirin. Sic subscribitur,

JAMES R.

At Edenburgh the 10 of May 1594.

The Aſſemblie gives commiſſioun to Mrs Patrick Galloway, Robert Rollock, Patrick Simſone, James Melvill, James Nicolſone, to propone the dangers and remedies above wrytin to his Majeſtie, and to report his Majeſties anſuers theranent. Sic ſubſcribitur,

Mr ANDRO MELVILL, Moderatour.

Seſſio 11a. 13 Maij.

Anent the horrible ſuperſtitioun vſed in Garioch and diverſe parts of the countrey, in not labouring ane parcell of ground dedicate to the Devill, vnder the name of the Goodmans Craft: The Kirk, for remedie therof, hes found meitt that ane article be formed to the Parliament, that ane act may proceid from the Eſtates therof, ordaining all perſons, poſſeſſours of the ſaids lands, to cauſe labour the ſamein betuixt and ane certane day appointit therto; vtherwayes, in cace of diſſobedience, the ſaids lands to fall in the Kings hands, to be diſponit to ſuch perſons as pleaſes his Majeſtie, quho will labour the ſamein.

Seſſio 12a. 14 Maij.

Anent the ſupplicatioun of the Miniſter and parochiners of Bruntiland, deſyreand the Aſſemblie to allow the act of the Synodall Aſſemblie of Fyfe concerning thair new kirk, in allowing therof to be the paroch kirk: The haill Kirk preſent being advyſit with the ſaid ordinance, vnderſtanding that the new kirk buildit be thame is moſt comodious for the parochin, both in reſpect of the greatnes of the congregatioun, and ewiſtnes of the place, and alwayes more convenient then the auld kirk, quhilk is not able to receive the congregatioun, and is farther diſtant from them: Therfor allowis and approvis the judgement of the Provinciall Aſſemblie of Fyfe, and ordaines the ſaid new kirk to be the paroch kirk therof in tyme comeing.

Alexander Lord Hoome compeirand in the face of the Aſſemblie, and inquyrit be the Moderatour, if he confeſſit in [his] heart befor the Lord, and with his mouth, that he was juſtlie caſtin out of the Kirk be a ſentence of excommunicatioun pronouncit againſt him be the Synodall Aſſemblie of Fyfe, and, as he wald anſuer vpon paine of his ſalvatioun and damnatioun, ſimplie to ſpeake the trueth theranent, Proteſtit and acknowledgit [openlie,] that he was juſtlie excommunicat, and confeſt his fault therin: And being inquyrit why he ſoght not to be relaxit from the ſaid ſentence according to the directioun of the Preſbitrie of Edenburgh, excuſit him be ignorance of that part of the act: As alſo being accuſit, that he detainit the ſtipend of ſundrie of the Miniſtrie, ſpeciallie of Chirneſyde, anſuerit, That he was ready [to doe] quhat he ought to doe of law: Being farther demandit, why he keipit not conditiouns ſpeciallie ſett downe in the act of the Preſbitrie of Edenburgh, as, namelie, tuiching ane Miniſter in his awin houſe, tuiching the removeing of Thomas Tyrie out of his companie, anſuerit, That he remembrit not that he was obleiſed be promiſe to have a Miniſter in his houſe, yet, in that point, he is content to have ane, as the Kirk ſall appoint him; [and] as to Thomas Tyrie, Grants that he was in his ſervice ſen his ſubſcryveing, bot vnderſtands not that he was obliſched to remove him quhill the Kirk had proceidit [to] excommunication againſt him, quhilk he beleives he ſoght of the Kirk, and beleives that they grantit [it;] alwayes fra he was excommunicat, he removit him out of his companie; and as to Johne Tyrie and Captane Gray, they were not his ſer-

vants: Being inqyrit, if ther was any [perſon] callit Cowie, quhom with he ſpak ſhortly, or any ſett on land with the bark that came laſt in [from Flanders,] Denyes the ſamein: And inquyrit if Macquhirrie was in his houſe ſhortlie, Grants, within this few dayes he was in his houſe, and came by his witting, haveing neither letter nor commiſſioun to him, and paſt away within halfe ane houre: And laſt of all, the ſaid Lord confeſſit in preſence of God and his holy angells, quhom he tooke [witneſſes,] and the Lord Jeſus [Chriſt] quhom he tooke Judge, quhen he ſall come to judge the quick and the dead, that he profeſſit from his heart the religioun preſentlie profeſſit be this Kirk here preſent, quherof he had alreadie ſubſcryvit the articles befor the Preſbytrie of Edenburgh, and with his ſolemne oath confeſſit befor them, and now confeſſes befor the Aſſemblie, to be the only true and infallible religioun quhilk leids to ſalvatioun, quherin he mynds to live and die, and ſall to the vttermoſt defend againſt all the enemies therof; and denyes, as he ſall anſuer to the dreadfull God, the Romane Catholick religioun, as the Antichriſtian religioun directlie opponit to the truth of God and his true ſervice, quhilk he teſtifies to the haill Aſſemblie be vphalding of his hand, and be ſolemne witneſſing of God, that he hes no diſpenſatioun nor indult to ſubſcryve or ſweare to the ſaids articles.

For farther ſatiſfactioun of the brethren, the Kirk ordaines my Lord Proveſt of Edenburgh, Alexander Hoome, the Laird of Aittoun, Mrs Johne Dauidſone, David Black, David Lindſay, to deale farther with my Lord afternoone, to try of his full reſolutioun.

Inſtructiouns to Sir Robert Melvill of Mordocairnie, and Alexander Hoome of Northberwick, Commiſſioners for his Majeſtie at the preſent Generall Aſſemblie, of Articles proponit in his Majeſties name to the ſaid Generall Aſſemblie at Edinburgh.

1. To proteſt that his Majeſties royall priviledge, newlie ſett foorth be act of Parliament, be not prejudgeit in the conveining of the nixt Generall Aſſemblie; and to that effect, that befor thair diſſolving at this time, they direct ſome of thair number to his Majeſtie, to be reſolved be him vpon the time and the place of the nixt [meeting of the] Generall Aſſemblie, according to his Majeſties propoſitioun, and their promiſe in the laſt Generall Aſſemblie haldin at Dundie.

2. That they will ratifie and approve, be act of this prefent Affemblie, thair promife made to his Majeftie in thair forefaid laft Affemblie, that in any thing that any of the Miniftry had to crave, or complain to his Majeftie, they fhould doe it be particular conference with himfelfe, and not vtter publickly in pulpitt any vnreverent fpeeches againft his Majefties perfon, Counfell, or Eftate, vnder the pain of deprivatioun; and that for this caufe they will prefently try and cenfure ane of thair number who hes contraveinit the faid act: and in fpeciall, that they will examine fo many of thair number as was prefent at the laft Synodall Affemblie haldin at Perth, and charge them vpon thair great aithes and confciences, firft, to declare what vnreverent and treafonabill fpeeches of his Majefty they heard Johne Roffe vtter publickly from the pulpitt, in all thair audiences; and nixt, whither they cenfurit him for the fame thereafter or not; and to defire them in his Majefties name, that according to the Synodall cenfureing of him, they wald judge him as he demerits on the ane part, and his Majefties modeft behaviour, ever fince the beginning of that turne, hes defervit.

3. That they will excommunicat Mr Andro Hunter, for bringing in ane fcandall vpon thair profeffioun, as the firft opin traitour of their functioun, againft ane Chriftian King of thair [own] religion, and their naturall Soveraigne.

4. That be act of thair Affemblie they will ordaine every particular Minifter within thair charge, to diffwade, as weill be publick as privat exhortatioun, thair flock committit to thair cure, from concurring with the treafonabill attempts of Bothwell, or any vther traitours, that raifes or fall raife themfelves vp againft the lawfull authoritie placit be God in his Majefties perfon: and fpecially, that they fall narrowlie take heid, and not fuffer any of thair flock to be feducit vnder colour of religioun, or whatfumevir falfe pretext, to receave wages and become fouldiours for fervice of any perfons, except they fie his Majefties commiffioun and warrand thervnto; and namelie of Bothwell, quho hes prefentlie, in diverfe parts of this realme, attemptit the fame.

5. That in refpect the Parliament time is at hand, and the occafioun will fuddenlie ferve for declareing of his Majefties godlie and honeft intentioun in perfecuting of the Papifts [and] excommunicat Lords, both be law and vtherwayes; that, therefor, they will felect ane or two Commiffioners of the difcreiteft and wifeft of every principall Prefbytrie, and give them commiffioun

to attend vpon his Majeſtie at this time, as weill that his Majeſtie may have thair good advyce and aſſiſtance in his good turne, no leſſe concerning the eſtate of the religioun then the eſtate of his Majeſties crown and country; and likewiſe that his Majeſtie may, be their moyen, direct and inform quhat he wald wiſch to be done be the haill reſt of the Miniſtrie, as occaſioun ſall from time to time be preſent. Sic ſubſcribitur

JAMES R.

Seſſio 13a. 14 Maij.

Anent the offence conceivit be his Majeſtie agains a brother callit Johne Roſs: The Aſſembly of the Kirk thocht it expedient that certaine of the godly, diſcreiteſt and beſt learnit men of the Kirk, ſould be choſin out, befor quhom that matter ſould be firſt brockin vp and preceiſlie handlit, and therafter brocht in publick befor the haill number; and to that effect were choſin Mrs Andro Melvill, James Nicolſone, Robert Bruce, Robert Rollock, Johne Davidſone, Johne Craig, David Lindſay, Patrick Galloway, James Melvill, Walter Balcanquell, Alexander Forbes, James Robertſone, David Fergufone: Quhilk number were ordainit to conveine immediatly after thair ryſeing in this houſe, and ſo many of the brethren of the Synodall of Striveling as are preſent, warnit to be ready as they ſalbe callit for.

Seſſio 14a. 15 Maij.

The quhilk day compeirit Alexander Lord Hoome in Aſſemblie, and with all humilitie craveit that he might be abſolvit from the ſentence of excommunication led againſt him, proteſting befor God he wald in tyme comeing give proofe of obedience and ſervice to God, and mantaine the trueth of his religioun profeſſit be the Kirk heir preſent to his lyves end; and althogh he was ſometyme in ane different religioun from them, now avowis, he being bettir inſtrucit in the heid quherin he ſometyme differit from them, the preſent Confeſſioun of Faith and religion profeſſit preſentlie be the Aſſemblie; and if he ſall heirafter declyne therfra, ſubmitts him in that cace to the Aſſemblie of the Kirk, hoping be Gods grace, nevir to make defectioun therfra.

The Affemblie, in refpect this matter hes bein paft be word, hes thoght meitt that certaine conditiouns falbe fett downe in wryte, to be fubfcryvit be his Lordfhip; therafter his fute of abfolutioun to be confidderit.

Seffio 15a. Eodem die.

The Affemblie ordanes ane faft to be keipit within the Prefbitrie of Edenburgh, and fick vther parts quher the famein may be conveniently had, vpon Sonday the 26 of this inftant, immediatlie preceiding the Parliament; and his Majeftie to be remembrit that ane exhortatioun may be had, according to the cuftome quhilk was keipit of befoir, the firft day of the Parliament, and a thankfgiving at the conclufion therof be ane of the Miniftrie; and alfo that his Majeftie be put in mynd of the faid faft appointit the foirfaid day, to the effect his Majeftie and his houfe may keip the famein.

In lyke maner it is ordanit, that a generall faft be obfervit [vniverfallie] through the haill realme, the twa laft Sondayis of Junij nixt to come, with exhortatiouns and prayers to be keipit betuixt the twa Sondayis on the weik dayes: The caufes of the quhilk faft falbe intimat and prefentit the morne in wryte be Mrs James Melvill, Patrick Galloway, and James Nicolfone.

The famein day, the conditiouns vnderwrytin being proponit to Alexander Lord Hoome be the Generall Affemblie, to teftifie his vnfained repentance, after reiding of the faids articles feverallie: Firft, he ratified and approvit the fubfcriptioun and aith givin be him to the Confeffioun of Faith, at Edenburgh the 22 day of December laft, and that with ane folemne aith, halding vp his hand, and aggrieing to the faid articles, and every ane of them; [and] in tokin of acceptatioun therof, [protefting] he dois the famein fincerelie, fubfcryvit the famein with his hand, humblie requyring, in refpect of his obedience and repentance, that the Kirk wald relaxe him from the fentence of excommunicatioun pronouncit againft him.

The Affemblie, in refpect of his repentance fhawin, his aith and declaratioun givin zefterday, and obedience in fubfcryveing the faids conditiouns, being fatiffied therwith, and hopeing that he fall fullie keip promife in tyme comeing, ordaines him to be abfolvit from the faid excommunicatioun, and the fentence of abfolutioun to be pronuncit be the Moderatour the morne at meiting.

Followis the Conditiouns.

1. The Aſſemblie craves that the ſaid Alexander Lord Hoome ratifie and approve the ſubſcriptioun and aith givin be him to the Confeſſioun of Faith, at Edenburgh the 22 day of December laſt, [or ſubſcrive] and ſweare againe de novo in face of the haill Aſſemblie, as ſalbe thoght expedient.

2. That he remove and hald furth of his companie, all Papiſts and traffiquers aganis the true religioun, and quhatſoevir [perſouns] ſalbe dilaitit to his Lordſhip to be ſuſpect and corrupt in religioun; that he receive and intertaine in his houſe Mr Archibald Oſwell as his ordinarie Paſtour; and failzeing of him, ſome vther diſcreit and godlie Miniſter, be advyce of the Preſbitrie of Dunbar; and that he make his familie ſubiect to the Word and diſcipline.

3. That he reſort to the publick heiring of the word, in all places quher it ſall happin him to repaire and have his reſidence, and that he communicat.

4. That he make his haill tennents and ſervants ſubject to the diſcipline of the Kirk quher they remaine.

5. That he repaire all the ruinous kirks within the Pryorie of Coldinghame, and provyde ſufficient livings for Paſtours plantit and to be plantit therat [according to the act of Parliament;] and ſuchlyke of all kirks within his bounds, ſo farre as law and reaſon may bind therto.

6. That he make thankfull payment to the Miniſters of Chirnſyde, Swintoun, and Fiſchak, of thair ſtipends, conforme to thair aſſignations and decreits paſt thervpon, in cace he be obliſchit therto be law.

7. That he concurre, be his counſell, crydet, and aſſiſtance, for manteinance of the true religioun publicklie profeſt and taught within this realme, with the mantainers therof, aganis all and quhatſumevir wald come in the contrair, within the countrey or without.

8. That he neither receipt, aſſiſt, intertaine, intercomoun, or have [any] intelligence with, the excommunicat Papiſt Lords, Jeſuits, Seminarie Preiſts, nor traffiqueing Papiſts; nor ſoliſt [for] thame, or ſhew them favour, directlie or indirectlie, in judgement or out of judgement.

9. That he neither reaſon nor ſuffer any reaſoning to be againſt the true religioun, or any point therof, in the places quher he may inhibite the ſame.

10. That he imploy himſelſe carefullie to apprehend and preſent to juſtice Mr Alexander McQuhirrie, and all and quhatſumevir Jeſuites, [Seminarie Prieſts, and traffiqueing Papiſts, that ſall reſort] within his bounds; and that he doe nothing that may be found be the miniſter appointit for the tryall of his behaviour, to be prejudiciall to the true religioun preſentlie profeſſit be the Generall Aſſemblie heir preſentlie conveinit; and in cace he ſalbe found to contraveine any ane of the forſaids points, that, in that cace, he conſent to be ſummarlie excommunicat vpon the notoriety of the fact. And in teſtimonie of his acceptatioun of the ſaid conditiouns, that he ſubſcryve thir preſents with his hand. Sic ſubſcribitur,

ALEXANDER LORD HOOME.

Forſameikle as Alexander Lord Hoome, be his ſubſcriptioun, is bound to obſerve and keip the conditiouns proponit to him be the Generall Aſſemblie, and acceptit be him; and in cace he be found to contravein the ſamein, or any of thame, to be ſummarlie excommunicat vpon the notoritie of the fact: The Generall Kirk gives libertie to quhatſumevir Preſbitrie that ſall vnderſtand of his contraventioun of the ſaids conditiouns, to call him, and try him of the ſaid contraventioun, and convict him therof if he be found guiltie; and the convictioun to be direct and ſent to the Preſbitrie of Edenburgh, to quhom the Kirk gives commiſſioun ſummarlie to pronounce the ſentence of excommunicatioun againſt him.

Seſſio 16^a. 16 Maij.

According to the ordinance of the Aſſemblie, the actioun of abſolutioun of Alexander Lord Hoome being committit to Mr David Lindſay, exhortatioun being firſt made, the ſaid Lord was inquyrit, If he was ſorie in his heart for the fault and offence he had committit, and that he had incurritt the ſaid ſentence, and fand ane earneſt dolour in his heart for that he was ſeparate from the Kirk heir preſent ſo long, thriſting moſt earneſtlie to be joynit thereto as ane member of Chryſts bodie, and promiſeing, as he ſall anſuer to God, in tyme comeing to continue ane conſtant profeſſour in the trueth of his religioun, preſentlie and publicklie allowit be the Kirk of Scotland heir conveinit, to his lyves end, and to ſhew the fruites of a true Chriſtian in his lyfe, removeing all ſlanderous perſons out of his companie:

Quho anſuerit, in Gods preſence, It was his true meaning, and intendit to ſhew the ſame in evident effects in tyme comeing: Quherfor, thanks being givin to God, and prayer made, he was ſolemnlie abſolvit from the ſaid ſentence be the ſaid Mr David, and receivit be him in name of the ſaid brether, and embraced as ane member reconcileit to the Kirk.

Seſſio 17a. 17 Maij.

Forſameikle as Mr Andro Hunter, [Miniſter,] hes deſertit his flock, and is fugitive from the lawis, being bruitit and ſuſpectit to have joynit himſelfe with the Kings rebells: The Aſſemblie preſent depoſes him fra the functioun of the Miniſtrie, ay and quhill he have ſatiſfied for his offence, his Majeſtie and the Kirk.

Anent the Kings Majeſties Articles: In reſpect the firſt article tuitches the tyme and place of thair nixt Aſſemblie, the haill Aſſemblie, with advyce of his Hienes Commiſſioners, hes appointit thair nixt General Aſſemblie to be at Montrois, the laſt Tueſday of Junij come ane zeir; provyding alwayes, in cace it be found expedient pro re nata be the Preſbitrie of Edinburgh to be ſooner, vpon thair advertiſement, the ſamein to be preveinit.

And as concerning his Majeſties firſt article, anſuer is givin, That the tyme and place is appointit in preſence of the Commiſſioners, according to the act of Parliament.

As to the ſecond, The act made at Dundie, de novo is ratified.

The anſuer concerning Johne Ros particular continued quhill afternoone.

Concerning Mr Andro Hunter, The Kirk hes depoſed him.

The 5 and 6 articles aggried vnto.

Ordaines every particular Paſtour, at his awin Kirk, to intimat the ſentence of abſolution pronuncit in favours of my Lord Hoome, from the proces of excommunication led againſt him.

Seſſio 18a. Eodem die.

Anent the matter of offence conceivit be his Hienes againſt Johne Ros, Miniſter, be occaſion of ane ſermoun made be him in preſence of the Pro-

vinciall Affemblie at Perth: The faid matter being firft ordainit to be treattit and weyit in privie conference, and ane certaine of the grave, learnit and godly brethren beand appointit therto, and to give thair judgements to the whole Affemblie, the faid brether reportit thair advyce and proceiding in wryte as followes:

Firft, They have found that the peiple departit not out of the kirk befor the end of the doctrine, as it hes bein reportit to his Majeftie, quherthrow he might have vttered any kynd of offence; and that the faid Affemblie had pronuncit no damnatour fentence againft him, bot that they onlie admonifhit him vpon fuch caufes and confiderationns as efter followes:

1. In refpect that he delyverit that doctrine at that tyme quhen his Majefties rebells and enemies were affemblit on the feilds, quherthrow it might appeare to the peiple, the Kirk allowit Bothwells treafonable attempts, and that the Affemblie of purpofe had placit him in that rowme, to alienat the hearts of his peiple from his Majefties obedience.

2. In refpect of certaine fpeiches delyverit be him without any fufficient warrand, fo farre as they could fie and vnderftand, and namelie that fentence pronuncit againft the houfe of Guife de futuro.

3. In refpect of the hard delyverie of fpeiches fpokin of his Majeftie, quhilk might have bein thocht to have craveit greater zeirs and farther experience: Farther the haill brether, both of the Conference and of the Provinciall of Perth, all in ane voyce acknowledgis that ther is juft caufe of ane fharper rebuike and threatning of heavier judgements foorth of the grounds of that text, then hes bein or might have bein vtterit be him; and quhatfoevir he vtterit, as he deponit before God and [vpon] his confcience, he vttered it out of love, feiking alwayes his Majefties ftanding, on na preoccupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane faul alwayes feiking and thrifting his Majefties honour and weill in God; and therfor approves his whole doctrine in that point, as it hes bein red and declarit be himfelfe, in fuch heids as hes feimit to have bein moft offenfive.

And as concerning the admonitioun of the Provinciall of Perth, and the caufes moveing them thervnto, the brethren reverences and allowes thair judgement in all things, vpon confiderationn as is befor expreft; onlie anent the fentence touching the Houfe of Guife de futuro, becaufe the haill brethren hard it not, [and] he himfelfe profeffes he remembers not he fpake fwa, neither had he fuch meaning [at any time,] and confeffes his fault if fuch ane word hes fallin out; the brethren thinks meitt with himfelfe in that point, that if he hes fpokin fo, he hes failit, having no juft warrand: And being myndit

to ſatiffie his Majeſtie alwayes ſo farre as [poſſiblie] may be done with ane good conſcience, after earneſt incalling of the name of God for aſſiſtance of his Spirit, and long advyſement, hes found it good that the admonitioun of the Provinciall of Perth, as ſaid is, be reverencit of the ſaid haill Generall Aſſemblie, and that the Aſſemblie at this tyme give farther to the ſaid Johne Ros ane grave and earneſt admonitioun, to ſpeake at all tymes reverentlie and with ſuch wiſdome of his Majeſtie, as he alwayes may have ſo cleir ane warrand of his ſpeiches as may ſullie ſatiffie his awin conſcience befor God, and may have the approbatioun and allowance of all his godly brethren: and that this admonitioun be extendit to all vther ȝoung men of the Miniſtrie, and to the haill Aſſemblie. Quhilk judgement of the haill brethren being well conſidderit be the haill Aſſemblie, after good deliberation, vottit to the approbatioun of thair ſaid judgement, and allowit the ſamein in all points.

And therafter the ſaid Johne Ros beand callit in, he, in preſence of the ſaid Aſſemblie, proteſtit befor God, and [in] his conſcience, that quhatſoevir he vtterit in the doctrine delyverit be him, he vtterit the ſamein for love to his Majeſties weill and ſtanding, of no preoccupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane ſaul ſeikand his Majeſties honour and weill in the Lord, haveand neither eye nor reſpect to his Majeſties traitours beand then in armes vpon the fields; ȝet granting ſome words to be hardlie delyverit (thocht truewlie:) And as concerning the words ſpokin of the Houſe of Guiſe de futuro, [as is alledgit,] befor the Lord, he remembers not he ſpake ſuch wordes, neither had intentioun nor meaning to ſpeake the ſamein, and if he ſpake the ſamein, it was ane fault et lapſus linguæ.

The Moderatour, at command of the ſaid Aſſemblie, in the name and feare of God, admoniſchit the ſaid brother, and all vthers ȝong men of the Miniſtrie, and haill Aſſemblie, in all tyme comeing, to ſpeake ſo reverentlie and diſcreitly of his Majeſtie, that they may have ſo cleir warrand of thair ſpeiches as may fullie ſatiffie thair awin conſcience befor God, and have approbatioun and allowance of all the godlie, and his Majeſtie have no juſt cauſe of complaint and miſlyking in tyme comeing: Quhilk admonitioun the ſaid Johne with all humilitie reverenced.

Humble Anſuers of the Generall Aſſemblie of the Kirk [conveinit] at Edenburgh, the 27 day of May 1594, to his Majeſties Articles, preſentit be his Commiſſioners.

Firſt, Anent the tyme and place of the Generall [Aſſemblie :] The ſamein is appointit be advyce of his Hienes Commiſſioners preſent, according to the act of Parliament.

2. The act made be the Generall Aſſemblie at Dundie, is de novo ratified and approvin. And the particular of Johne Ros reſolvit, as his Majeſtie ſalbe informit more particularlie be the Commiſſioners of the Kirk to be direct to his Grace.

3. Twitching Mr Andro Hunter: The Aſſemblie hes proceidit and givin ane ſentence of depoſitioun for his offence aganis him, quhill he fatiſfie his Majeſtie and the Kirk.

4. Every particular Miniſter within his charge is ſtraitlie commandit to diſſwade their flocks, as weill be publick as privat exhortatiouns, fra concurring with the treaſonable attempts of Bothwell, or any [vther] traitour to his Majeſtie, that raiſes or ſall raiſe themſelves vp againſt his authoritie; and ſicklyke to take heid and ſuffer not their flocks, vnder cullour of religioun, or quhatſoevir falſe pretext, to receive wages of any perſouns without his Majeſties warrand, and namelie of the ſaid Bothwell.

5. They have appointit a reaſonable number of brethren to awaite on his Majeſtie, for ſatiſfieing of the laſt article.

With thankſgiving to God for his mercies, the Aſſemblie diſſolvit.

A. D. M.D.XCV.

THE Generall Affemblie of the Kirk of Scotland conveinit at Montrois, the 24 day of Junij 1595 ȝeirs.

Exhortatioun was made be Mr Andro Melvill, Proveft of the New Colledge of Sanct Androes, and Moderatour of the laft Affemblie. Mrs Robert Pont, Peter Blackburne, James Nicolfone, were on the leits, and the faid Mr James, be pluralitie of vottis, was cholin Moderatour hac vice.

Seffio 2a. 24 Junij.

Anent the queftioun movit in the Affemblie, If it be proper to them to declare be the Word of God, quhat mariages are laufull, and quhat are vnlawfull, fo farre as concernes the fpirituall part therof: It was anfuerit affirmativé, that it was proper.

Seffio 3a. 25 Junij.

Ordaines the Prefbitries in all parts within this countrey to proceid againft the Papifts within thair bounds, with the fentence of excommuni-

cation: And becauſe of the weaknes of the Preſbitrie of Inuerneſſe, ordaines them to proceid therin with the advyce of Mrs George Monro, Johne Monro, Johne M'kenzie, and Andro Crombie.

Forſameikle as diverſe Papiſts and ſuſpect of Papiſtrie, after thair ſubſcriptioun and aithes, pretending deadly feids, abſtaining from the table of the Lord, quherby they vtter themſelves in effect and in heart to continue Papiſts: Therfor the Aſſemblie ordaines the Preſbitries quher ſick perſons are, to proceid againſt them with the ſentence of excommunication ſo long as they refuſe to communicat, in the ſamein manner as if they had not ſubſcryvit nor givin aith.

Forſameikle as diverſe perſons cutt of from the ſocietie of the Kirk be ſentence of excommunicatioun pronouncit againſt them, nottheles they are receivit and intertainit as if they were the true members of Chryſts Kirk, to the great contempt of God, and the evill example of vthers: The Aſſemblie therfor ordaines the Preſbitries quher ſuch perſons are, to proceid againſt them according to the acts of the Kirk, vnder the paine of publick rebuik in face of the whole Aſſemblie of the brethren of the Preſbitrie, if ſault be found in them, and making humble confeſſioun vpon thair knees of thair offence, in cace the ſamein be found in them as ſaid is, and vnder the paine of the depoſitioun of the Miniſter in whoſe default the ſaid ordinance of the Kirk is not execute; and that the ſamein penaltie and executioun be vſit and ſtrike vpon them that hes intercomuning, intelligence, or familiaritie with the ſaids excommunicats, quhilk is vſed aganis the receipters forſaid, vnder the ſamein paine.

Seſſio 4a. Eodem die.

Forſameikle as ther is divers perſons profeſſing with vs the veritie of the Goſpell, quhilkis nevertheles the ſpace of diverſe zeiris, vnder pretence of deadlie feids, hes withdrawin and daylie withdrawes them from participatioun of the holy table, declareing therby how little they eſteime that great benefite, and in effect, as it were, cutting aff themſelves from the communioun [of the faithfull:] Heirfoir ordinance is givin to all Preſbitries within thair bounds, to charge all perſons abſtaining from the communioun be reaſon of deadlie feids, notwithſtanding therof, as it becomes chriſtian members, to participat the ſaid holy table; and in cace they be obſtinat

and refuſe, to proceid with the cenſures of the Kirk againſt them; it being alwayes conſidderit be the Preſbitrie, that if ther be any of infirmitie or tendernes of conſcience that refuſes, in that cace the ſaid Preſbitrie ſall travell with the ſaids perſons to bring them to thair duetie and participatioun of the ſaid table, granting, with good advyce and diſcretioun, ſome reaſonable [tyme] as to reſolve themſelves, within the quhilk if they give not obedience, and refuſe to participat as ſaid is, that the ſaid Preſbitrie proceid againſt them with the ſentence of excommunicatioun.

Seſſio 5a. 26 Junij.

The Kings Majeſties Commiſſioners deſyrit of the Aſſemblie, that he micht have ane choiſe of ſuch two of the Miniſtrie his Majeſtie wald nominat, in place of Mr Johne Craig and Johne Duncanſone. The Aſſemblie hes found meitt [and votit] that a certaine of the moſt grave, learned, and beſt diſpoſed brethren of the haill Miniſtrie be choſin and nominat be them, out of the quhilk it may pleaſe his Majeſtie to nominat two: Vnto that effect Commiſſioners to be appointit before the end of this Aſſemblie to advyſe his Majeſtie of the choiſe to be made of theſe whoſe names ſalbe ſett downe befor the Aſſemblie diſſolve; craveing his Hienes Commiſſioners to make his Majeſtie foirſein, that they may know on quhom his eyes are ſett, and be reſolvit befor thair louſing.

Anent the planting of Kirks: Becauſe ane ſpeciall impediment hes bein therof, the dilapidatioun of the benefices poſſeſt be the brethren of the Miniſtrie, quho [hes] ſett thair benefices with the diminutioun of the rentalls, or be converſioun of victuall in ſilver, not regarding the acts and ordinances of the Aſſemblie: Heirfor for remeid, the Generall Aſſemblie hes givin power and commiſſioun to the brether vnderwrytin within the bounds particularlie vnder devydit, to call befor them ſick perſons within the Miniſtrie, that ſen the act of the Aſſemblie, made in the ȝeir of God 1578, hes ſett thair benefices with diminutioun of the rentall therof, or converſioun of the victuall in ſilver, [and] to proceid againſt them with the ſentence of depoſitioun, quhilk ſall ſtand in force ay and quhill they reſtore thair benefice to the awin integritie, quherin the ſamein was at thair entrie; that is to ſay, To Mrs Andro Melvill, James Melvill, Robert Wilkie, Thomas Buchannan, Andro Moncreif, to call befor them the ſaids perſons within

the bounds following, viz. from Spay to Tay, and all Louthiane, Mers and Teviotdaill, to compeir befor them in Sanct Androes: Nixt Mrs David Lindſay, Robert Bruce, David Fergufone, Robert Pont, James Balfour, or any thrie of them, to ſitt in Edenburgh, and call the ſaids dilapidatours befor them, within the bounds of the haill [north] to Spay and Fyfe, as als beneficit perſons that hes made dilapidatioun within the Dyocie of Ros: Thirdlie, Mrs Patrick Simſone, Andro Zoung, Harie Levingſtoun, James Pont, Johne Davidſone, to ſitt in Striveling, and call befor them the ſaids brethren that hes dilapidat thair benefices within the bounds of Strivelingſhyre, Stratherne, Cliddiſdaill, Dumbartane, Ranfrew, Lennox, Kyle, Carrick, Cunighame, Galloway, Nitheſdaill: And for the better executioun to be had of this commiſſioun, ordaines everie Preſbitrie within the bounds forſaids, to ſend to the judges every ane of them within thair awin bounds, particular informatioun and anſuer to the heids quhilk ſalbe pennit be thair brother, Mr Robert Pont, betuixt and the 15 of Auguſt nixt: And to the effect that the Preſbitries be not ignorant heirof, the Aſſemblie preſentlie has nominat the brether after ſpecifiet to give warning to the Preſbitries within the bounds reſpectivé following, according to the diviſioun aftir ſpecifeit: That is to ſay, Mr Andro Crombie for Ros; Mr Alexander Rawſone, Mr Alexander Dowglas, for Murray; Mr Peter Blackburne, Mr Duncane Davidſone, James Reid, for Aberdeine; Mr Andro Mill, Mr Alexander Forbes, for Mernes; John Durie, Mr James Melvill, for Angus; Mr Alexander Lindſay, and William Glaſſe, for Stratherne; Mrs James Melvill, David Fergufone, for Fyfe; Mrs Walter Hay, Andro Blackhall, for Louthiane; James Deis for Mers and Teviotdaill; for Tweddall, Mrs Andro Blackhall and Walter Hay; for Strivelingſhyre, Mr Adame Ballantyne; for Cliddeſdaill, Ranfrow, Lennox, and Dumbartane, Mr Walter Stewart and Mr Gawin Hamiltoun; for Nitheſdaile, Mr James Bryſſeoun, Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr David Barklay: Quhilks informatiouns being receivit be the ſaids judges, ordaines them, with all diligence, to proceid againſt the ſaids perſouns. And for the faithfull executioun of the ſaid commiſſioun, the ſaid judges was ſworne, except Mrs Thomas Buchannan, Robert Bruce, Patrick Simſone, Harie Levingſtoun, James Pont, quho were not preſent.

Forſameikle as a great occaſioun of the none planting of the kirks ſtands in laike of proviſioun of the Miniſtrie, and that thair ſtipends from zeir to

ȝeir, being changeable, they are drawin from thair kirks, to the neglecting of thair flockis, and to the difgraceing of thair callings: With commoun advyce it is heirfor concludit and refolvit, that ane conftant platt falbe fett downe be the brethren following, appointit out of everie province, quho fall fitt and conveine the firft day of September nixt in Edenburgh; and befor their conventioun and fitting, every Prefbitrie fall, betuixt and the 15 day of Auguft nixt to come, delyver to thair faids brethren appointit of their provinces, ane refolvit informatioun, wrytin in forme of a booke in mundo, of the eftate of thair kirks, in the heids following; viz. of the names of the benefices within thair bounds, whither the famein be feverall benefices, or annexit; quho is patrone therof, quho is poffeffour; be quhat rycht the famein is bruikit; the auld rent, the prefent rent, and the juft availe therof; and quhat kirks may be unite or divydit: quhilks informatiouns being receivit and collectit together, the faids Commiffioners conveining together as faid is, fall appoint every Prefbitrie feverall dayes, to direct a fpeciall brother fullie inftructit be them with a conftant platt of the kirks within thair Prefbitries; and the faid brether fwa directed, with the Commiffioners forfaids, to conclude and put in forme a conftant platt of thair Prefbitrie, and fo furth to proceid, quhill the worke be wholie made vp and compleit: and after compleiting therof, the faids Commiffioners fall make warning to every Prefbitrie to direct a brother from them to confidder the haill wark; and the famein being allowit be the faids Commiffioners and brethren from every Prefbitrie, quhilks are confidderit to be fiftie in number, the ratificatioun therof to be focht of his Majeftie and Counfell: Of the quhilks Commiffioners, chofin out be this Affemblie from the provinces, the names followes, viz. from ȝetland, Orknay, Cathnes, and Sutherland, Mr Robert Pont; for Ros, Mr Andro Crombie; for Murray, Mr Alexander Dowglas; for Aberdeine, Mr Alexander Cunighame, Mr Peter Blackburne; for Mernes and Angus, Mr James Nicolfone, Mr Andro Milne; for Stratherne, Dunkeld, Dumblane, and Striveling fhyre, Mr Patrick Galloway, Mr Alexander Lindfay; for Fyfe, Mr Thomas Buchannan; for Louthiane and Tweddall, Mr David Lindfy; for the Merfe, Johne Clappertoun; for Teviotdaill, Mr Johne Knox; for Clidfdaill, Ranfrow, Lennox, and Dumbartane, Mr Gawin Hamiltoun, Mr Johne Hewifone; for Nithefdaill, Mr James Bryfon, and, in cace of his feiknes, Mr Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr Johne M^c^quherne: Quhilks brethren

and Commiſſioners in number 18, ſall alſo have power to make ane platt for ane interim, quhilk being concludit be the ſaids Commiſſioners and a brother direct from every Preſbitrie, quhilk will make fiftie mair, no reclamatioun ſalbe therfra, but [quhat] ſalbe concludit concerning the conſtant platt or interim, ſall ſtand in conſtant force and full effect, as if the ſamein had bein concludit be the Generall Aſſemblie, without any reclamatioun therfra, as ſaid is; and becauſe the worke will requyre waiting on, and the ſaids aughtein Commiſſioners wilbe put to charges and expences, it is ordainit that thair expenſſis ſalbe borne be thair provinces: And for the faithfull executioun [heirof,] they are all ſworne, except Mrs Alexander Dowglas, Johne Knox, Patrick Galloway, Johne Clappertoun, and Johne Hewiſone, quho were not preſent.

Seſſio 8a. 27 Julij.

Compeirit Sir James Chiſholme in preſence of the haill brethren, and confeſſit with humilitie his offencis, namelie his apoſtaſie from the religioun, for the quhilk he craveit Gods mercie; and farther he declairit that he profeſſes with vs the [haill] true religioun, renunceand the Antichryſt and all his errours, craveing from his heart to be receivit in the boſome of the Kirk; with the quhilk the brethren being movit, concludit he ſould be relaxit be the Generall Aſſemblie, at thair firſt meiting the morne, from the ſentence of excommunicatioun led againſt him; and therafter the forme of his ſatiſfactioun to be appointit and ſett downe be the Aſſemblie.

The heids of Inquiſitioun to be made in everie Preſbitrie anent Dilapidatioun.

Imprimis, To take [up] from every beneficit Miniſter the preſent rentall of his benefice, and quhat ȝeirlie duetie, be his awin confeſſioun, he getts preſentlie of the ſamein.

2. If he hes ſett taks therof, [and] to quhom, privatlie or publicklie, and, if neid beis, to take his aith theron.

3. To inquyre quhat was the eſtate of his benefice quhen he entred with it, and whither he was hurt [or vitiated] be his predeceſſour.

4. To take diligent inquiſitioun not only be report of the beneficit perſon himſelfe, but be vthers that knowes quhat the juſt valour of the benefice was worth, or payit of old in the beſt eſtate.

5. What the ſamein wald extend to in ȝeirlie rent of teynds, or vtherwayes, if it were frie of tackis, and in a Miniſters awin hand; and, if neid beis, that the Preſbitrie or Commiſſioner call ane inqueiſt of men of beſt knowledge in the countrey about, to declare the veritie heirin, and ſend the ſamein to the judges appointit in due tyme, with the haill circumſtances befor rehearſit.

His Hienes Commiſſioners preſentit Articles from his Majeſtie, craveing the ſame to be red and anſuerit. [The tenor whereof and anſwers made thereto follow:

The tenor of the Kings Articles. C.]

His Majeſtie craves that ther be ane act made, ordaining that quhoſoevir ſall at any tyme practiſe any treſonabill interpryſe or conſpiracie againſt his Majeſties perſon or eſtate, beand found and declairit culpable [therof] be law, ſall lykewayes incurre the ſentence of excommunication therfor, that therby ane inſeparable vnioun may be betuixt the two ſwords.

2. That ane ordour be takin concerning excommunication in thrie points, eſpeciallie, firſt, That it be not at the appetite of two or thrie particulars, and that it be not proceidit in quhill firſt ane convenient number of the Kirk be gravelie conveinit. 2. That it be not for civill cauſes, or ſmall crymes, and ſpecially any Miniſters particular, leiſt it be thocht that they imitate the Popes curſing, and ſo incurre the lyke contempt. 3. The forme of ſummar excommunicatioun, without any citatioun, be alluterlie aboliſchit in tyme comeing.

Item, In reſpect Mr Johne Craig is awaiting on quhat houre it ſall pleaſe God to call him, and is altogether vnable to ſerve any longer, and his Majeſtie mynds to place John Duncanſone with the Prince, and therfor hes no Miniſters bot Mr Patrick Galloway: Therfor his Hienes deſyres ane ordinance to be made, granting him any two Miniſters that he ſall chooſe.

[Humble Anſuers of the Generall Aſſembly, conveened at Montroſe, to the Articles preſented be his Hienes Commiſſioners. C. & B.]

Firſt, Quher ane ordinance is craveit to be made againſt practiſers of any treaſonabill interpryſes or conſpiracie againſt his Hienes perſon and eſtate, beand found and declairit culpable therof be law, that they therfor fall incurre the ſentence of excommunicatioun, The Generall Aſſemblie aggrieth therto, legitima cognitione [eccleſiaſtica] preeunte.

As to the ordour craveit to be tane concerning excommunicatioun, eſpecially in 3 points containit in the ſecond article, The firſt part is condiſcendit to: And as to the ſecond, That no excommunicatioun ſalbe vſed in cauſes meere civill, or in ſmall matters, and the aboliſching, in tyme comeing, of the former ſummar excommunicatioun without citatioun: Theſe points importing great weght, and craveing mature deliberatioun, the Aſſemblie hes thoght meit to ſuperceid all concluding therin quhill the nixt Conventioun, quher, by Gods grace, they mynd to reſolve thervpon; and that, in the meanetyme, none of the Miniſtrie proceid to excommunicatioun without citatioun preceiding, niſi periclitetur eccleſia et reſpublica.

Anent his Majeſties [ſute] concerning his Miniſters: It is aggreit that his Majeſtie ſall have choiſe of the moſt grave, learned and godlie brether of the Miniſtrie, with advyce of the Commiſſioners following, to be direct to his Majeſtie, viz. Mrs Robert Bruce, Andro Melvill, James Melvill, David Lindſay, David Fergufone, James Balfour, Thomas Buchannan, James Nicolſone, Andro Lamb, George Glaidſtanes, or any ſixe of the ſaid brethren, quho are appointit to meit the 22 Julij nixt.

Seſſio 9a 28 Junij.

After humiliatioun of Sir James Chiſholme on his knies, and acknowledging of his offence to the ſatiſfactioun of the brethren, be the voyce of the Moderatour, the ſentence of abſolutioun was pronouncit in his favours, and he relaxit from the proces of excommunicatioun led againſt him.

Anent the act made in favours of the executours of Miniſters: The Aſſemblie and brethren preſent, for cleiring therof, declares, If the Miniſter die after Michaelmes, quia fruges ſeparatæ ſunt a ſolo, that his executours

ſall fall that ȝeirs rent, and the half of the nixt; and that the proviſioun of this act be extendit to the relicts of vmquhile Mr James Hamilton, and the Lords requeiſtit to that effect.

Forſameikle as ther is great cauſe of humiliatioun of vs befor God, whoſe viſible anger appears on the heids of this land, ȝet be the moſt pairt litle regairdit: The Kirk hes ordainit a generall faſt and humiliatioun to be vniverſallie obſervit in all the kirks within this realme, vpon the twa firſt Sondayis of Auguſt nixt to come: The cauſes therof to be led out gravelie be the Paſtours, according to the grounds they ſie and perceive.

[1. The great aboundance and increaſe of ſin, and tranſgreſſion of all the commandements of God, be all the Eſtates, foſtered be impunity, and laike of juſtice, produceing in ſpeciall all kind of murder and oppreſſion.

2. The great apoſtacy, defection, and decay of zeal and godlineſs of every Eſtate.

3. The great and preſent danger, that the Church, Common well, and King ſtandeth in, through the wrath of God, not only kindled againſt us, but alſo juſtlie burning and devouring us up already by ſundrie fearfull plagues and puniſhments, as by unſeaſonable weather, dearth and famine, and the appearance of greater; the deep conſpiracys and daily confederacys of the faction of the known adverſarys to religion, King, and countrie, threatning to root us out from being any more a nation, and the breaking and removeing of our two ſtates of Church and Common Wealth.

4. The compaſſion it becometh us to have of our brethren of other Churches, under no leſs danger than we, through all Europe, not only be the Confederats of the Counſell of Trent, but alſo be the barbarous crueltie and great bondage exerciſed and brought upon our dear and worthie brethren by ſuch as it becometh not, ſpecially in Poland, England, Saxonie, and diverſe parts of Germanie. C.]

Forſameikle as ther is ane abuſe neceſſar to be remeidit, eſpecially in Cathnes and ſome vther parts, quher they that poſſeſſes the benefices, dilapidat the haill rents therof, as the late Biſchop of Cathnes did in ſpeciall, except a very ſmall quantitie, in penſiouns moſt prodigallie to all that ſocht the ſame, quherby he hes dilapidat the haill patrimonie of the ſaid Biſchoprick: For remeid quherof, the Aſſemblie ordaines Mr David Lindſay and Mr James Balfour to admoniſch Mr Thomas Craig and the Soliſtar of the Kirk, to perſew the ſaids penſioners for reductioun of thair penſiouns,

quhilk cannot ſtand be the law, of the haill, or of the moſt part of the fruites of any benefice, and to inſiſt diligentlie therin.

Anent mariages: The Aſſemblie declarit thir two ſorts to be vnlawfull; firſt, when ane perſon marieth another quhom they have pollutit by adulterie; nixt, quhen the innocent perſon is content to remaine with the [nocent and] guiltie, and the guiltie will have another, or takis another.

As concerning mariages made be excommunicat Preiſts, or vthers that hes ſerved in the Kirk, and [are] depoſit from thair office, or be privat perſons: The Aſſemblie declares ſuch mariages to be null; ordaining the brethren of Edenburgh to travell with the Commiſſars of Edenburgh, that they decyd according to the ſaids concluſions.

Anent the contraverſie betuixt the Miniſtrie of Sanct Androes and William Balfour: The brethren appointit to conferre theranent reportit thair judgement following, That the ſaid William ſall declare that he knew no vther but that Mr David Black, Miniſter of the towne forſaid, had left the proceſs of the manſs contravertit, and that he hes no wayes proceidit therin, in contempt of the Kirk, or any particular perſon within the ſame; and thir things he does proteſt in conſcience, and confeſſes that he hes done vnduetifullie; that is to ſay, that he hes ovirſein himſelfe in his duetie towards the Kirk, in midling, not forwarning them with the title of the houſe quherin he dwells, in reſpect of the Kirks deſignatioun therof paſt of befor, for the quhilk he is penitent befor God and his Kirk: provyding alwayes, that the ſaid confeſſioun be no wayes prejudiciall to the ſaid William in the right and title of the ſaid houſe, and that the ſamein be no wayes objected againſt him, in judgement or out of judgement; and that the ſaid William ſall make the ſaid confeſſioun befor the brethren of the Conference of this Aſſemblie, the brethren of the Preſbitrie that are heir being preſent: The quhilk being done, that this preſent Generall Aſſemblie ſall diſcharge the ſaid Preſbitrie of Sanct Androes from all proceidings be cenſures aganis the ſaid William for that matter, and in lyke maner, the ſaid Mr David from all public invectiouns aganis the ſaid William in his ſermouns for that cauſe; and the ſaid Mr David and William, in token of forgivenes of all mutuall offences bygane, and profeſſioun of chriſtian amitie in tyme to come, ſall joyne hands together before the ſaid brether of the conference, and keip the ſamein amitie in tyme comeing; remittand the contraverſie of thair titles to the diſcretioun of the Judges ordinar: and this to be ordainit be the General Aſſembly, to be declarit in the paroch kirk of Sanct An-

droes, be Mr William Scott, Minister at Kennoquhy. The brethren appointit to conferre be the Generall Assemblie were thir, Mrs Robert Bruce, Peter Blackburne, William Scot, Thomas Buchannan, Andro Lamb, Johne Caldcleugh: Quhilk judgement of the said brethren the Generall Assemblie approvit in all points.

Anent Gramer Schooles in Townes: Every Presbitrie, within thair awin bounds, is ordainit to take ordour for visitatioun and reformatioun therof, and to deale with the Magistrats for augmentatioun of thair stipends and provisioun of Maisters; as also appointing of some persons most meitt of thair Counsell, to attend carefullie on the Schooles, and to assist the Maisters in discipline.

Anent the actis of the Assemblie: The brether hes ordainit that the samein be sichtit, and speciall acts for practise of the Kirk be extractit and joynit with the Booke of Discipline, to be publischit either in wryte or print, that none pretend ignorance therof; and to this effect to concurre with the Clerk, Mrs Robert Pont, Thomas Buchannan, James Melvill, Johne Johnstoun, and James Carmichael.

Anent Colledges: In respect that it is thoght necessar that ane visitatioun be had of the samein, the present Assemblie hes givin commissioun to thair brether, Mrs James Melvill, Thomas Buchannan, James Balfour, Robert Rollock, Walter Balcanquell, Nicoll Dalgleisch, James Nicolsone, and Alexander Forbes, to conveine together the first day of January nixt to come, to the visitatioun of the saids colledgis, to try, examine, and consider the doctrine, lyfe, and diligence of the Maisters; the discipline and ordour vsit be them; the estate of thair rents and livings; and quher they find abuse, to reforme so farre as they [may:] remittand to the Assemblie such things as they cannot take ordour with; and quhat they effectuat heirin, to report to the nixt Assemblie.

A. D. M.D.XCV.

THE Generall Affemblie of the Kirk of Scotland, haldin at Edenburgh, in the New Kirk thereof, the 24 [22. P.] day of Marche 1595.

Exhortatioun beand made be Mr James Nicolfone, laft Moderatour, the Affemblie proceidit to the electioun of a new Moderatour, and appointing on the leits Mrs David Fergufone, David Lindfay, James Balfour, Robert Pont, the faid Mr Robert, be pluralitie of votis, was chofin Moderatour hac vice.

[Mr Davidfon, Minifter at Saltpreftoun, and a member of the Prefbytrie of Hadintoun, produced the advice of that Prefbytrie, touching the heads of the letter fent from the Commiffioners of the Generall Affembly to them. The tenor whereof followeth:

Touching the two heads proponed be the Commiffioners of the Generall Affembly to their brethren, to advife upon againft this Affembly; viz. Of univerfal repentance, and earneft turning to God: And of order taking for refifting the enemies, and maintainance of the liberty of religion and country.

Our advice in the firft is, That yet once at the laft, the chief and grofs fins of all eftates, which procure this prefent wrath of God, be agreed upon

by name ſeveraly, and acknowledged by this Aſſembly, for the more eaſie provocation of the whole body of this realme to earneſt repentance, and ſpeedy turning away from the ſins foreſaid; for as John faith, If wee acknowledge our ſins, God is faithfull and juſt to forgive us our ſins: otherwayes, if in ſo great a multitude of our iniquities, which this day anſwer ſo plainly to the faces of all eſtates of this realme, wee ſay one ſtill with the unhappy Jewes, as hitherto wee have done, Wherein have wee ſined: what elſe do wee, but as deſperatly they did, and ſaid in the days of Jeremy, Surely wee will walk after our own imaginations, and doe every man after the ſtubborneſs of his wicked heart. And ſo as it is ſaid in the Law, The Lord will not be mercifull vnto us, but will ſhew us the back, and not the face, no not though Moſes and Samuel would pray for us in the day of our deſtruction.

And to begin at ourſelves of the Miniſtry, That wee acknowledge our publick tranſgreſſions in our perſons, and office particularly, whereof the catalogue is in readineſs to be ſeen, according to the admonition of the Lord by his prophet, ſaying, Let the prieſts, the miniſters of the Lord, weep between the porch and the altar, and let them ſay, Spare thy people, O Lord, &c.; leſt it be found according to the ſaying of the Apoſtle, That wee that teach others, teach not ourſelves, and ſo be found reprobats.

Next, That this Aſſembly agree upon the true and right taking up the ſins of our Princes, and Magiſtrats ſuperior and inferior; and on the ſound means to deal with them duetifully and faithfully, without all flattery, for their true amendment, according to Gods command to the prophet, ſaying, Say unto the King, and to the Queen, humble yourſelves, ſit down, for the crown of your glory ſhall come doun from your heads; ffor their ſins are not the leaſt cauſe of the plague of God on the people, as by David, Manaſſes, and others may be ſeen.

Thirdly, and laſt, That the moſt notorious ſins of the whole body of the people in burgh and land, be given in, and acknowledged, and order taken for the ſpeedy ammendement thereof by the Miniſtry and Magiſtrats, according to the examples of Joſuah, Jehoſaphat, Ezekias, Joſias, the King of Niniveh, Conſtantius, Conſtantine, &c., the Prophets, and Apoſtles, &c. The catalogue over eaſy to be made.

As for reſiſting the common enemy, which is the ſecond, our judgement is, That the ſound following out of the former advice touching the firſt, ſhall make an eaſy way for the ſecond; otherwayes, which God forbid, it

will be but loſt labour to travell much in that matter; yet wiſhing and hoping the beſt, wee have remitted the particulars of that matter, and our advice thereanent, to the Commiſſioners of this Preſbytrie, who faithfullie (wee doubt not) will diſcharge their duty in the ſame.

This advice was approved be many, but withſtood be ſome, namely, the Moderator himſelf, Mr Robert Pont, who alledged, that the firſt and chief motive of their conveening was to conſult upon their withſtanding the Spainards. The Commiſſioners letter was read, and it was found that Mr Davidſon had ſaid right.

Mr Davidſon was appointed to give up the particular catalogue of the chief offences and corruptions in all eſtates.

He preſented the catalogue of offences in Miniſters, upon Wedneſday before the Aſſembly. Mr Andrew Melvill deſired to be added, The cenſure anſwerable to the offence. Whereupon Mr Nichol Dagliesh, Peter Bleckburn, Walter Balcanquall, John Mackquhern, Adam Johnſtoun, John Knox, James Law, John Johnſtoun, and Mr Davidſon himſelf, were appointed to goe apart, and to conſider what offence merited admonition, what deprivation; which they did. C.]

Seſſio 4a. 25 March. [1596.]

[Upon Wedneſday the 25 of Marche, the King came himſelf to the Aſſembly. He urged a contribution of the whole realme, not to be lifted preſently, but when need ſhould require. The Moderatour exponed to his Grace, the two heids quherin the Kirk hes hitherto bein occupied, and how farre els it hes proceidit, viz. Firſt, The ſubſtantiall heid, [for] moyen how to reſiſt the enemie, quhilk was verbo recited be my Lord Kinloſs, for the reſt of the number deput to advyſe therwith; and nixt, concerning the purgatioun of the Kirk of offences: And becauſe the firſt is not ȝet thoroughlie concludit, the Aſſembly thocht it expedient that the Barrones and Miniſtrie quhilk mett thervpon, take farther reſolutioun afternoone, and preſent thair advyce to the Aſſemblie in wryte. C. & B.]

His Majeſtie therafter proponit the lamentable diſſordour of the ȝeirlie alteratioun of the platt [appointed for the modification of Miniſters ſtipends,] and therfor deſyrit that ane conſtant platt ſould be made, quhervnto his Majeſtie was moſt earneſtly bent. The Aſſemblie hes thoght meit

befor any thing be concludit therin, to ſie the act of Parliament made in the ȝeir of God 1592 ȝeiris.

Seſſio 5a. Eodem die.

Overtures for reſiſting of the enemies of the religioun and eſtate of the countrey, aſweill forraine as inteſtine.

Firſt, That all ſic that hes kythit in actioun with his Majeſties forfaultit rebells, and thair knowin favourers and aſſiſters, be chargeit to enter thair perſons in ward, ther to remaine ay and quhill they find ſufficient cautioun, that they ſall not traffique nor intertaine intelligence with the ſaids rebells, nor any vther enemies to the eſtate or religioun, neither ſall joyne with them nor make them any aſſiſtance, in cace they repare within the countrey; and that they give thair eldeſt ſonnes or neireſt freinds in pledgis for the [maire ſure] obſerving heirof.

2. That the haill livings of the forſaids rebells to his Majeſtie, be exactlie tane vp be his Majeſties officiars to be appoyntit for that effect, and to be imployit for the intertainment of hyred men, for defence of the good cauſe againſt the enemies, and for bearing of vther charges neceſſar for the advancement of the ſaid cauſe, as ane of the effectuall meanes to encourage all ſuch as are knowin to be weill affectionat to the cauſe, and to procure thair anefald concurrence to the vttermoſt.

3. That ther be choſin in every paroch be his Majeſties authoritie, and vott of the Miniſter, Seſſioun, and Principalls of every paroch, Captaines knowin to be moſt meitt [and of beſt affectioun,] to convein the haill paroch in armes monethlie in muſtures, and to ſie that they be all ſufficiently armeit according to thair abilitie, and trainit vp in the exerciſe of thair armes: And ſicklyke that ther be choſin Generall Commanders in diverſe quarters and ſhyres of the countrey, to conveine in armes at all occaſiouns neidfull, to reſiſt all attempts and interpryſes of the enemie forraine and inteſtine.

4. That ſome ſubſtantious ordour be takin for bringing hame ſufficient number of corſletts, muſketts, picks, and vther armour neidfull; and that the famein be brocht and receivit aff the merchands hands with all expeditioun.

Laſt, That the haill cautioners that became bound for the good behaviour of the ſaids rebells without the countrey, be chargeit befor the Counſell, and convict of the penalties conteinit in the acts of the cautionrie; and that the ſaids penalties be imployit vpon the ſuſtentatioun of hyrit men, and vthers burdens neidfull for the weill of the cauſe.

Seſſio 6a. 26 March.

Forſameikle as the towne of Edenburgh hes takin purpoſe and labour in divyding of their populous congregatioun, and hes made good progreſſe therin to the good example of the countrey; nottheles the worke remaines imperfyte in a part, through not diviſioun of the Auld Kirk be a parpall wall, being verie commodious and litle expenſive: Therfor the Aſſemblie directit my Lord of Kinloſe, the Kings Majeſties Commiſſioner, the Lord Sinklair, the Juſtice Clerk, Mrs Peter Blackburne, James Nicolſone, Andro Melvill, [to] the Counſell of the ſaid burgh, immediatlie from the Aſſemblie, to exhort and requeiſt the Counſell to further and perfyte the good beginning, and to divyde the ſaid kirk be ane parpall wall.

Quho returning back with the Bailzies of the towne, declarit that the Counſell, be reaſon this day of Law is not frequent, alwayes to the diviſioun be a parpall, hitherto they could not aggrie, being myndit to build the Tolbuith; deſyreand the Kirk earneſtlie to requeiſt the Lords and Colledge of Juſtice, quho hes land within the burgh, that they wald contribute therto: quhervnto the Kirk aggried, provydeing that they wald fall to preſentlie to the diviſioun be a parpall: ordaining the Bailzie to report the direct anſuer of the Counſell heirvpon, vpon Mononday nixt to come.

Ordaines ane article to be givin in to the Kings Majeſtie for eſtabliſhing ane act, annulling all taks ſett be Miniſters without conſent of the Aſſemblie.

Seſſio 7a.

Anent contraverſies and deciſioun therof amongſt the Miniſters: The Kirk and Commiſſioners preſent ratifies the act made at Dundie heiranent,

and ordainit the ſame to be extendit to Reidars aſweill as Miniſters; and the paine of contumacie mentionat theirin to be deprivatioun.

Becauſe the bounds of Nitheſdaill, Annandaill, and Galloway, are deſtitute of Paſtors, the Kings Majeſties Commiſſioners proponit to the Aſſemblie, that the Kirk wald take care to appoint ſome qualified men for the Miniſtrie ther, for whoſe proviſioun and intertainment his Majeſtie wald take ordour.

Concerning the defectiouns of the Miniſtrie: The ſamein at length being red out, [reaſonit,] and conſidderit, the brethren concludit the ſamen aggrieing therwith; and in reſpect that be Gods grace they intend reformatioun, and to ſie the Kirk and Miniſtrie purgeit; to the effect the worke may have better ſucceſſe, they think it neceſſar that this Aſſemblie be humblit for wanting ſuch care as became them in ſuch points as is ſett downe, and ſome zealous and godlie brother [in doctrine] lay them out for thair better humiliatioun, and that they make ſolemne promiſe befor the Majeſtie of God, and make a new covenant with him for a more reverent and careſull diſchargeing of thair miniſtrie: To the quhilk effect was choſin Mr John Davidſone, and Teuſday nixt, at nyne houres in the morning, in the New Kirk, is appointit for that effect; quhervnto none is to reſort but the Miniſtrie. The forme is to be advyſed the morne in privie conference.

Seſſio 8a.

[This commiſſion following was given for viſitation of Kirks.

For as much as it being conſidered be the Aſſembly and Commiſſioners preſent, to be a thing moſt neceſſar, that the moſt dangerous parts of the country, and where leaſt, or no planting is, a viſitation ſhould be appointed to occurre the dangers already fallen out, or that may farther fall out if they be not prevented; and for the better planting of the Miniſtry, where as yet it is not planted: Herefor the Aſſembly has given and committed, and be the tenour hereof gives and committs their full power and commiſſion to their loving brethren under written within the particular bounds after ſpecified, according to the diviſion following, to viſit and try the

doctrine, life, diligence, and fidelity of the Paſtors within the Preſbytries, where they are eſtabliſhed already; and alſo in the bounds, where as yet no Preſbytries are planted; and therein to take inquiſition and tryal, if there be any beneficed perſons of the Miniſtrie not making reſidence, having no reaſonable cauſe to purge the ſame; if there be any that have delapidated their benefices, ſett tacks, or made to others diſpoſitions of their benefices, or any part thereof, by the conſent of the Generall Aſſembly; any ſlanderous, or unmeet to ſerve the Kirk of God: And if any ſuch be found, to proceed againſt him according to the quality of the ſaid offence, according to the acts of the Kirk; aſſuming to them ſuch brethren of the Preſbytrie, where they make tryal, as they think moſt zealous, ſincere, and beſt affected to reformation, to aſſiſt them, with power alſwa to depoſe ſuch as are worthy of depoſition be the acts of the Kirk, and place others in their rowmes. And where no Preſbytrie is, the brethren appointed to the viſitation of theſe bounds, to travell diligently to plant the Miniſtry therein, and to proceed in all the heads above written be themſelves, with the like power of depoſition with the former. The particular times of their viſitation to begin as hereafter ſhall be appointed; and generally, in all things to proceed as the Aſſembly might doe, if they were preſent: That is to ſay, for the bounds of Orkney, Zetland, Caithneſs, and Sutherland, Mr Robert Pont, Mr Alexander Dowglaſs, Miniſter at Elgin, Mr George Monro, Elder, to beginne their viſitation the firſt day of June next: For Roſs, Murrey, and Abberdeen, Mr James Nicolſon, Mr Patrick Bleckburne, Mrs James Melvill, Andrew Melvill, with the ſaid Mr Alexander Douglaſs, to begin their viſitation the firſt of Auguſt next: For Angus, Mr James Balfour, David Lindſay, Andrew Muncreiſ, or any two of them, to begin their viſitation the firſt of July next: For Kyle, Carict, Cuninghame, and the bounds of Galloway, Mrs Robert Bruce, Patrick Sharp, John Spotſwood, to begin their viſitation the firſt of July next; and the ſaid Mr Robert Bruces place, in his abſence, to be ſupplyed be Mr Robert Rollock: For Nithſdale, Annandale, Lauderdale, Eſkdale, and Ewiſdale, Mr John Davidſon, John Johnſtoun, William Scott, John Carmichael, John Knox, and John Welſh; their viſitation to begin the firſt of Auguſt next to come. And ordaines the Preſbytries which have no viſitors appointed be this Commiſſion, to be carefull in their own viſitation while the next Aſſembly: Injoyning alſo the Preſbytries, out of which Commiſſioners are tane to viſitation, and what the ſaid

Commiſſioners doe in execution of this commiſſion, to report to the next Generall Aſſembly of the Kirk, &c. C.]

The tenour of the advyce of the brethren deput for penning the corruptions and enormities in the Miniſtrie, and remeid therof, allowit be the Generall Aſſemblie heir conveinit.

Corruptions in the Office.

Forſameikle as be the too ſudden admiſſioun and light tryall of perſons to the Miniſtrie, it cometh to paſſe, that many ſlanders fall out in the perſons of Miniſters, it wald be ordainit in tyme comeing, that more diligent inquiſitioun and tryall be vſed of all ſuch perſons as ſall enter in the Miniſtrie, as ſpeciallie in thir points.

That the intrant ſalbe poſed vpon his conſcience befor the great God, (and that in the moſt grave maner,) quhat moves him to accept the office and charge of the Miniſtrie vpon him.

That it be inquyrit, if any by ſoliſtatioun or moyen, directlie or indirectlie, preaſe to entir in the ſaid office; and it being found, that the ſoliſter be repellit, and that the Preſbitrie repell all ſuch of thair number from votting in the electioun or admiſſion as ſalbe found moyeners for the ſoliſter, and poſed vpon thair conſcience to declare the trueth to that effect.

Thirdly, Becauſe be preſentatiouns, many forciblie are thruſt in the miniſtrie and vpon congregatiouns, that vtters therafter that they were not callit be God, It wald be provydit that none ſeik preſentatiouns to benefices, without advyce of the Preſbitrie within the bounds quherof the benefice lyis; and if any doe in the contrair, they to be repellit as rei ambitus.

That the tryall of perſons to be admitted to the Miniſtrie heirafter, conſiſt not only in thair learning and abilitie to preach, but alſo in conſcience, and ſeiling, and ſpirituall wiſdome, and namelie, in the knowledge of the bounds of thair calling, in doctrine, diſcipline, and wiſdome, and to behave him accordinglie with the diverſe ranks of perſons within his flock, as namely, with atheiſts, rebellious, weake conſciences, and ſick vthers, quherin the paſtorall charge is moſt kythit, and that he be meitt to ſtop the mouthes of the adverſaries; and ſick as are not found qualified in thir points to be delayit to farther tryall, and quhill they be found qualified.

And becauſe men may be found meit for ſome places, quhilk are not meitt for vthers, it wald be conſidderit that the principal places of the realme be provydit with men of moſt worthie gifts, wiſdome and experience, that none take the charge of greater number of peiple nor they are able to diſcharge; and the Aſſemblie to take ordour heirwith, and the act of the Provinciall Aſſemblie of Louthiane made at Lynlithgow to be urgeit.

That ſuch as ſalbe found not givin to thair booke and ſtudie of Scriptures, not carefull to have bookis, not given to ſanctificatioun and prayer, that ſtudie not to be powerfull and ſpirituall, not applying the doctrine to his corruptiouns, quhilk is the paſtoral gift, obſcure and too ſcolaſtike befor the peiple, cauld and wanting zeale, negligent in viſiteing the ſeik, careing for the poore, or indifcreit in chooſing of parts of the Word not meiteſt for the flock, flatterers, and diſſembling publick ſins, and ſpeciallie of great perſonages in thair congregatiouns, for flatterie or feare; that all ſick perſons be cenſured according to the degries of thair faults, and continueing therin, to be depryvit.

That ſuch as be ſlouthfull in miniſtratioun of the ſacraments, and irreverent, as profaners, receiving cleane and vncleane, ignorants and ſenſles profane, and making no confcience of thair profeſſioun in thair calling or families; omitting due tryall, or vſing none or light tryall; having reſpect in thair tryall to perſons quherin there is manifeſt corruptioun: that all ſick be ſharply rebuikit, and if they continue therin, to be depoſit. And if any be found a ſeller of the ſacraments, that he be depoſit ſimpliciter; and ſick as colludes with ſlanderous perſons, and diſpenſing and ovirſieing them for money, incurre the lyke puniſhment.

That every Miniſter be chargeit that he have a Seſſioun eſtabliſhed of the meiteſt men in his congregatioun, and that diſcipline ſtrike not only vpon groſſe ſinnes, as whordome, bloodſhed, &c. but vpon all ſins repugnant to the Word of God, as blaſphemie of God, banning, profaining of the Sabboth day, diſſobedience to parents, idle vnrulie anes without calling, drunkards, and ſicklyke deboſhit men that makes no conſcience of thair lyfe and ruleing of thair families, and ſpeciallie of educatioun of thair children, lying, ſlandering, backbytting, flattering, and breeking of promiſes: And this to be ane vniverſall ordour throughout the realme; and ſuch as are negligent, continueing therin after admonitioun, to be depoſit.

That none falling in publick ſlanders be receivit againe in fellowſhip of the Kirk, except his Miniſter have ſome appeirand warrand in conſcience,

that he hes both ane feiling of fin, and apprehenfioun of mercie; and for this effect that the Minifter travell with him be doctrine and privat inftructioun, to bring him heirto, and fpecially in the doctrine of repentance, quhilk being neglected, the publick place of repentance is turned in a mocking.

Dilapidatioun of benefices, dimitting of them for favour or money, that they become laik patronages, without the advyce of the Kirk; and ficklyke, interchanging of them be tranfactioun, and tranfporting of themfelves be that occafioun, without the knowledge of the Kirk, be preciflie punifhed: Sicklyke, fetters of taks, without the confent of the Affemblie, be punifhed according to the acts; and that the dimiffioun in favours for money or vtherwayes to the effect above wrytin, be punifchit as the dilapidatours.

Corruptiouns in thair perfons and lyves.

That fick as are light and wantoun in thair behaviour, as in gorgeous or light apparrell, in fpeich, in vfeing light and profane companie, vnlawfull gameing, as dancing, cardeing, dyceing, and fuch lyke, not befeiming the gravetie of ane Paftour, be fharplie and gravelie reprovit be the Prefbitrie, according to the degrie therof; and continuing therin after due admonitioun, that he be depryvit as flanderous to the Gofpell.

That Minifters being found fwearers or banners, profaners of the Sabboth day, drunkards, fighters, guilty of all thir or any of them, to be depofit fimpliciter; and fuch lyke, liers, detracters, flatterers, breakers of promifes, braulers and quarrellers, after dew admonitioun continueing therin, incurre the fame punifhment.

That Minifters givin to vnlawfull and incompetent trades for filthie gaine, as halding of hoftlaries, taking of ocker befyd good confcience and lawis, and bearing warldly offices in Noble and Gentlemens houfes, merchandife, and fuch lyke, buying of victuall and keiping to dearth, and all vther worldlie occupatiouns as may diftract them from thair charge, and be flander to the Paftoural calling, be admonifhed and brought to the acknowledging of thair faults, and if they continue therin, to be depofit.

That Minifters not refident at thair flocks be depofed, according to the acts of the Generall Affemblie and laws of the realme; vtherwayes the burdein to be laid vpon the Prefbyteries, and they be cenfurit therfor.

That the Affemblie command all thair members, that none of them

awaite on the Court and the affaires therof, without the advyce and allowance of the Presbytrie.

Item, That they intend no actioun civill without the said advyce, except in small matters; and for remeiding of the necessitie that some Ministers hes to entir in pley of law, that remedie be craveit, that short proces be devysed to be vsed in Ministers actiouns.

That Ministers take speciall care in vseing godly exercises in thair families, and teaching of thair wyves, children, and servants, in vsing ordinarie prayers, and reiding of the Scriptures, in removeing of offensive persons out of thair families, and such lyke vther points of godly conversatioun and good example; and that they, at the visitatioun of thair kirks, try the Ministers families in thir points forsaids; and such as are negligent in thir points, after due admonitioun, salbe judgeit vnmeit to governe the house of God, according to the rule of the Apostle.

That Ministers in all companies stryve to be spiritual and profitable, [and to] talk of things pertaining to godlines, as, namelie, of sick as may strenthen them in Chryst, instruct vs in our calling, of the meanes how to have Chrysts kingdom better established in our congregatiouns, and to know [how] the gospell flourishes in our flocks; and such lyke vthers the hinderances and the remedies that we find; quherin ther is manifold corruptiouns, both in the companying with ourselves and with vthers; and that the contraveiners heirof be tryit and sharply rebuikit.

That no Minister be found to countenance, assist, or procure for ane publick offender challengit be his awin Minister for his publick offence, or to beare with him, as thogh his Minister were too severe vpon him, vnder the paine of admonitioun and rebooking.

Anent Generall Assemblies: To urge the keiping of the acts anent the keeping of the Assembly, that it may have the awin reverence.

Sessio 10a. 29 [Martii.]

Instructiouns to Mrs James Prestoun, and Edward Bruce, Commendatour of Kinloss, his Majesties Commissioners to the present Generall Assemblie.

Imprimis, Ȝe sall shew to the said Assemblie our good will to have all the kirks of Scotland plantit with Ministers, and sufficient livings appointit

to them, to the great hurt of our awin rent, and that portioun of the thrids quhilk was assignit to our house, and our Comptrollours in possessioun thereof: Bot sieing that the haill thrids is not sufficient to plant the haill kirks, nor ȝet comodious to Ministers to serve in ane place, and have thair livings to seik in another [very] farre distant from thair cure: Therfor we thoght good to sett fordwart ane ordour for locall stipends, founded vpon this ground, that all the kirks of Scotland fould have Ministers, and all Ministers stipends within thair awin paroches, of sick valour, as be our authoritie on the ane part, and concurrence and procurement of the Kirk on the vther, might be obtainit from the takſmen of teinds, present possessours of the said rent; for the quhilk effect we causit ane act of Parliament to be made in the ȝeir of God 1592, grantand commissioun to certaine Noblemen, Counsellers, Officiars, [and] Ministers, on the vther parts, to intreat and prosecute this matter; and als hes givin command in particular, to certaine of our Lords of Checker to help, with thair advyce and labours, to bring this matter to some perfectioun, quherin, as we vnderstand, ther is something done, as ane part of the brethren can [bear] record. Lyke as we, continueand in our good mynd in our tyme to have the kirks settlit anent thair livings, and not intanglit ȝeirly with processes, and our haill kirks plantit within this realme, be thir presents, offers and promitts to the said Assemblie, to cause our Commissioners, Counsellours, and Officers, to conveine presentlie, befor the expyreing of this Assemblie, with the said Commissioners for the Kirk, to begin this good purpose, and to lay the ground, and sett downe the ordour, and tyme and place of conveining, to prosecute the samein to the finall end, conforme to the act of Parliament, so that the stay, (if any,) salbe on the part of the Kirk, as it has bein of befor, and not on our part.

Item, Ȝe sall shew to them that it is a stay to this good worke, that be some of thair preachings they wald make the peiple to vnderstand, that we and our Counsell stay the planting of kirks, and take away the present livings possest be Ministers; albeit the contrair be of veritie, that We and our Counsell is most willing that the haill kirks be plantit, and the rents of the Ministers augmentit, so farre as lawfullie may be obtainit with consent of our Nobilitie, and vthers takſmen of teinds, whose rights, but ordour of law, We cannot impare; and therfor this forme of preiching discourages our good Counsellours most willing to this work, and is ane heavie slander

vpon the Miniſters themſelves, quherin ȝe ſall deſyre ordour to be taine, that the lyke be not done in tyme comeïng.

Item, Ȝe ſall deſyre theſe ȝour inſtructiouns in our name, to be regiſtrat in the Books of the Aſſemblie, as ane perpetuall teſtimonie of our good will; and als that anſuers be given, [in particular,] be ane generall voting of the haill Aſſemblie, and no wayes to be referrit to ane privat conference; and the anſuers ſa vottit to every particular heid to be regiſtrat in lyke maner therwith, and the extract of all theſe articles and anſuers to be delyverit to ȝou, to report to vs again. Sic ſubſcribitur,

JAMES R.

Seſſio 11a.

[Upon Tueſday the 30 of March, the Miniſters and other Commiſſioners conveened in the Little Kirk at nine hours, the one kirk door being ſhutt, and the other ſett open for a certain ſpace, whereby it came to paſs, that few were preſent, except the Miniſtry, the whole number amounting to four hundred perſons, all Miniſters, or choiſe profeſſors. After the firſt prayer, Mr Davidſon cauſed the Reader to read the 15 and 34 chapters of Ezekiel: which being done, firſt, he purged himſelf of ambition for that place; yet ſeeing it pleaſed God, ſaid he, to move them to choiſe him the leaſt worthy, and unmeeteſt in the number, to occupy the place of a teacher that day, they were not to look, that he came there to be cenſured of them, but to uſe the authority of a teacher as to diſciples in that reſpect; and yet did not take from them the liberty that God gave them to try the ſpirits, whither they were of God or not. He ſhewed, that the end of that convention was the confeſſion of their own ſins, who were Miniſters, and promiſe of amendment in time to come, and ſo to enter into a new league with God, that being ſanctified by repentance, they might be the meeter to provock others to the ſame; that they ſhould not think it needleſs nor ſtrange to enter in examination of themſelves guilty of the imminent judgment. They were to conferr, and compare themſelves, their learning, ȝeal, godlineſs, multitude, dayes, times, occaſions, and helps, or rather wants, with the Prophets of former times, namely the Prophets of theſe dayes, whereof theſe two chapters treated, and ſee what priviledge they have more than they had; and why among their multitude pro re nata

there might not be as many falſe prophets, and as few true and ſincere, as were in theſe dayes. He amplified this head, and ſaid by preterition he would not be rhetorical in diſcourſe; and yet he was very moving in application to the preſent times, ſo that within an hour after they entered in the kirk, they looked with another countenance, than that wherewith they entered. He exhorted them to enter into their privy meditations, and to acknowledge their ſins, with promiſe and purpoſe of amendment. So while they were humbling themſelves for the ſpace of a quarter of an hour, there was ſuch ſighs and ſobs, with ſhedding of tears, among the moſt part of all eſtates that were preſent, every one provocking another by their example, and the teacher himſelf be his example, that the kirk reſounded, ſo that the place might worthyly be called Bochim; for the like of that day was never ſeen in Scotland ſince the Reformation, as every man confeſſed. There have been many dayes of humiliation for preſent or imminent dangers; but the like for ſin and defection was there never ſince the Reformation.

After the prayer and publick confeſſion, he treated upon Luke 12. 22, with rare aſſiſtance of Gods Spirit, to the wonderfull aſtoniſhment, and caſting doun, and to the raiſing up again of the brethren. The exerciſe continued till near one afternoon. When the brethren were to diſſolve, they were ſtayed be the Moderatour, and deſired to hold up their hands to teſtify their entering into a new league with God.

Seſſio 12a. Penultimo Martij.

Forſameikle as the brethren of the Miniſtrie conveinit in this Generall Aſſemblie, hes with ſolemne humiliatioun acknowledgit thair ſins this day, and negligence of thair conſcience befor God, and hes entrit in a new covenant with him, proteſting to walk more warlie in thair wayes, and to be more diligent in thair charges; and ſeeing ane great part of the Miniſtrie is not preſent at this actioun: Therfor the Kirk commands the brethren of the Synodall Aſſemblies to make the lyke ſolemne humiliatioun and proteſtatioun as was obſervit be the Generall, at thair nixt conveining; and ſo many as beis not at thair Synodall, to doe it at the Preſbitries.

Articles proponit be the Commiſſioners of the conſtant Platt to be advyſit and paſt in Acts be the Generall Aſſemblie.

Firſt, It is thoght requiſite be the ſaids Commiſſioners, and craveit, that the ſaid Aſſemblie wald ordaine, that the Moderatours of ilk Preſbitrie within this countrey, ſould give preſentations, jure devoluto, of all benefices of cure, belanging to laick patrones within their bounds, that hes not preſentit qualified perſons within ſex monethis of the deceis of the laſt poſſeſſour therof; and ſicklyke, of benefices that ſall vaik heirafter, in cace the ſaids patrones neglect to preſent within ſixe monethis, to Miniſters ſerving, or that ſall ſerve the cure of the ſaids kirks, vnder the paine of deprivatioun; and that the ſaids Miniſters accept thair preſentations, and perſew [them:] And if ther be not actuall Miniſters preſentlie at the ſaids kirks, in that cace, that the ſaid Moderatours deale effectually with vthers qualified perſons, to accept the ſaids preſentatiouns, and to proſecute the ſamein be law.

That all beneficit perſons, that are heir preſent in this Aſſemblie, be movit preſentlie to interdyte themſelves from all ſetting and diſponing any part of thair benefice to quhatſomevir perſon or perſons, without the ſpeciall conſent and allowance of the Generall Aſſemblie; and the interdictioun to be ſubſcryvit be ſick as are preſent; and vthers that are abſent, to be vrged be thair Preſbitries to doe the ſame, immediatlie after the diſſolving of the Aſſemblie.

Becauſe the kirks in diverſe places of the countrey ſuſtaines great hurt through the laik of qualified perſons in the Miniſtrie, inſtructit and trainit vp in the Schooles of Theologie: Therfor it is craveit, that ane act be made in this Aſſemblie, ordaining every Provinciall Aſſemblie to furniſch a ſufficient intertainment for a burſer in the New Colledge of Sanct Androes, this 96 zeir, and ſo furth, zeirlie, in all tyme comeing; and that every Provinciall Aſſemblie ſall have the priveledge to preſent the ſaid burſer ſo oft as the benefice or place ſall vaik: And in cace ther be any of the Miniſters ſonnes within the Province, of meit graces for the ſaid place, that he be preferrit to all vthers to the Miniſtrie; and after the expyring of his courſe in the ſtudie of Theologie, that he be bound to imploy his travels within the Province, to the quhilk his graces may be anſuerable; and that it be not leiſum to the ſaid burſer to imploy his travells in any vther place, except be the ſpeciall advyce and conſent of the ſaid Province.

Seeing the neceſſitie of the commoun affaires of the Kirk craves, that ther be a continuall travelling and attendance at Court, both for the furtherance of the preſent worke, quhilk is in hands, of the planting of the kirks; as alſo of the continuall diligence of the enemie, waiting at all occaſiouns, ſpeciallie when they find any ſlacknes vpon the part of the Kirk, in the diſcoverie and reſiſting of the interpryſes of the ſaid enemie: Therfor it is craveit, that a care and burdein of the commoun cauſe be laid vpon ſome brethren be the Generall Aſſemblie, either of them that are reſidents heir about Court, or els of ſome vthers to be appointit in diverſe parts of the countrey, becauſe vtherwayes ther is none that finds themſelves in conſcience bound to have any care heirof, or to take any paines heirin.

To the firſt two articles the Aſſemblie aggreit.

To the thrid, The Aſſemblie ordainit it to be movit in the Provinces firſt.

To the fourt, Appoints Mrs Robert Bruce, David Lindeſay, James Balfour, and James Nicolſone with them, quhen he is preſent.

Seſſio 13a. Ultimo die Martij.

Anent the articles concerning thair Majeſties perſons and houſes: The Aſſemblie hes nominat Mrs Patrick Galloway, James Nicolſon, and James Melvill, to conferre with thair Majeſties theranent.

Offences in his Majeſties Houſe.

Firſt, As ſtrangers and vther good ſubiects repairing to the Court, hes bein confortit to ſie Chriſtian religioun religiouſlie exerciſeit; ſo now they are ſomequhat troublit, ſeeing now the exerciſe of the reiding of the Word at table, and reverent ſaying of the grace befor and after meat, diverſe tymes omittit.

That on the weik day the repairing to the heiring of the Word is mair rare then befor; and that he wald be admoniſchit for hearing of ſpeaches, in tyme of ſermoun, of them that deſyre to commoun with his Majeſtie.

Privie meditatioun with God in ſpirit and conſcience, earneſtly to be recommendit to him.

His Majeſtie is blottit for banning and ſwearing, quhilk is over commoun in courteours alſo, and movit be thair example.

His Majeſtie wald labour to have ſick companie about him as himſelfe, according to his awin quhilk is gravelie to be recommendit to his Majeſtie to be put in practiſe. Robert Laud, and ſuch as are ſuſpectit, to be removit; eſpeciallie murtherers, [Papiſts,] and profane perſons.

The Queens Majeſties miniſtrie to be reformit; and tuiching her companie, her not repairing to the word and ſacraments, night walking, balling, &c.; and ſuch lyke concerning her gentlewemen.

In reſpect of the report of the brethren of the North, that gentlemen and burgeſſes are lyke to leave thair houſes for feare of the enemies, ſeeing thair great inſolence vnrepreſſed at home; the returning of thair wyves to the countrey againe, and thair proviſions in thair houſes and caſtells for thair home comeing, quhilk is murmurit againſt in all the countrie: For remeid, it is to be craveit that the Ladies of Huntlie and Erroll preſentlie be broght back againe and placeit in Sanct Androes; my Lord Gordoun ſicklyke to be broght to the South, and put to the ſchooles; thair freinds in the South to be wardit; and Cluny, Geicht, Abergeldie, Cowbairdie, Bonytoun ȝounger, Craig ȝonger, Alexander Hay of Auchmather, Mr Alexander Leſlie of Peill, James Knowis, Johne Gordoun of Newtoun, [Towie Barclay, Patrick Conn,] to be apprehendit. And for this [effect] it was thoght good that ſome Commiſſioner, the Proveſt of Edinburgh, with the Laird of Wedderburne, be directit to the North, with the Kirks Commiſſioners already appointit.

The commoun corruptiouns of all Eſtates within this realme.

Ane vniverſall caldnes and decay of zeale in all Eſtates, joynit with ignorance and contempt of the Word, Miniſtrie and Sacraments; and quher knowledge is, no ſenſe nor feiling, quhilk vtters itſelfe moſt maniſeſtlie be this, that they want religious exerciſes in thair families, as of prayer and of reiding of the Word; and quher the ſamein, for the moſt part abuſed and profanit be cuiks, ſtewarts, jackmen, and ſicklyke; and the maſters of families aſhamit to vſe thir exerciſes of godlines in thair awin

perſons; and no conference at thair tables, but of profane, wanton and worldie matters.

Superſtitioun and idolatrie mantainit, quhilk vtters itſelfe in keiping of feſtuall dayis, and boonefyres, pilgrimages, ſinging of carrells at Yoole.

Great blaſphemie of the name of God in all Eſtates, with horrible banning and ſwearing in all thair ſpeiches.

Profanatioun of the Sabboth, and ſpeciallie in ſeid tyme and harveſt, and commoun journeying on the Sabboth, and tryſting on wardlie turnes, exerciſeing of all kynd of wanton gamis, keiping of mercatts, dancing, drinking, and ſuch like.

Litle care, reverence, and obedience of inferiours to thair ſuperiours; as ſicklyk of ſuperiours in diſcharging thair duties to thair inferiours; as quher children pleyis in law aganis parents, and many of them maries aganis thair fathers [will and] conſent; and no care of thair parents for thair educatioun in virtue and godlines.

Ane flood of bloodſheds and deadlie feids ryſeing thervpon, and vniverſall aſſiſting of bloodſheds for eluding of lawis.

Adulteries, fornicatiouns, inceſts, vnlawfull mariages, and divorcements allowit be publick lawis and Judges; and children begottin in ſuch marriages declairit to be lawfull; [exceſſive] drinking, waghting, and gluttony; quhilk is no doubt the cauſe of this [great dearth and] famine; [and] gorgeous and vaine apparrell, filthie and baudrie ſpeiches.

Sacriledge in all eſtates without any conſcience, growing continuallie mair and mair, to the vtter vndoing of the Kirk, and ſtaying of the planting of the goſpell.

Cruell oppreſſioun of the poore tennents, quherby the haill commouns in the countrey are vtterly wrackit, be extreame dear ſetting of thair rowmes, and halding out of thair cornes by vntymeous teinding, and extreame thraldome in ſervices.

Oppreſſioun vnder pretext of law, be vſurie, and be contracts againſt law; foreſtalling of mercats, and regrateing be gentlemen, burgeſſes, and commouns; quherby pryces of victualls is mervailouſlie raiſed to the great hurt of the poore; and ficklyke be girnelling of victualls, and withhalding them from the mercatts, and not threſhing of them out in due tyme.

Ane great number of idle perſons without lawfull calling, as pypers, fidlers, ſangſters, forners, pleaſants, ſtrang beggers, living in harlotrie, and having thair children vnbaptizit, without all kynd of repairing to the word.

Offences in the Court and Judgement Seat.

Vniverſall neglect of juſtice both in civill and criminall cauſes, as, namelie, in granting of remiſſions and reſpitts for blood, adulteries and inceſts; no executioun of good lawis made againſt vyces, or in favour of the Kirk; and in civill matters, the Judges, for the moſt part, vnmeitt, either in reſpect of the want of knowledge, or conſcience, or baith; and quhen any office vaikes, the worſt men advancit therto, both in high and inferiour rowmes.

No executioun made againſt the adherents of the detected enemies, and the enemies themſelves, nor imploying of thair livings to the [vſe of] reſiſting of the enemies, quherby the enemies are rather benefitit nor hurtit.

The odious murther of Dunnibirſle not puniſchit.

In Parliaments, ſacrilegious perſons, as Abbots, Pryours, dumb Biſchops, voteing in name of the Kirk, contrair to the lawis of the countrey, quherby the cauſe of the Kirk is damnified.

The Seſſioun is chargeit with buying of pleyis, delaying of juſtice, and bryberie, quhilk is evident by extraordinar and ſudden conqueiſts.

Greives to be humblie meanit to his Majeſtie, in name of the Generall Aſſemblie, be thair Commiſſioners, touching the principall offences in the eſtate of the countrey, that, be his Majeſties counſell and authoritie, ſufficient remedie in tyme may be provydit thervnto.

Firſt, It is humblie meanit to his Majeſtie, that, to the great hazard of religioun, and peace of the countrey, and greife of all good men, the forfaltit rebells, and enemies of his Majeſties eſtaite, inioyes thair lands and livings als peaceablie, and to thair greater advantage, then if they were at his Majeſties peace within the countrey; and thair confederats and freinds, partakers and aſſiſters with them in thair treaſonable attempts, are ſufferit in ſo great a libertie, nevir having once ſo mikle as entrit thair perſons in ward, or givin pledges and ſuretie for thair good and duetiefull behaviour and obedience to his Majeſtie, in cace it ſall happin the ſaid rebells, or any forraine enemies, to repaire within the countrey for diſquyeting of the eſtate therof; as if they [had] immunitie and exemptioun from all lawis, to confirme themſelves for ſtrenthening the hand of the enemies,

quhen they happen to arrive; as it appeirs thair intentioun is, by [thair] preparatioun of force and armour, and leagues of friendſhip quhilk they are daylie binding vp.

Diverſe Jeſuites and excommunicat Papiſts are intertainit within the countrey, deteining ſuch as they have pervertit in thair errours, and induceing vthers in the ſamein corruptioun; and halding them in hope of [the] returning of the Papiſts Lords, with aſſiſtance of ſtrangers; as, namelie, Mr Robert Abercrombie, Mr Alexander M^c^quhirrie, Abbot of Newabbay, Johne Gordoun of Newtoun, the ȝong Laird of Bonytoun, Mr Alexander Leſlie of Peil, Patrick Con, Alexander Ramſay, and diverſe vthers.

That in many places of the countrey, for lake of proviſioun of ſufficient ſtipends for proviſioun of Paſtours, the peiple lyis altogether ignorant of thair ſalvatioun, and duetie to God and the King, quherthrow the land is overflowit with atheiſme and all kynd of vyce; ther being above foure hundreth paroch kirks deſtitute of the miniſtrie of the word, by and attour the kirks of Argyle and the Yles.

It is regratit vniverſallie be his Majeſties lieges, that throw the delaying, perverting, and eluding of juſtice, murthers, oppreſſions, inceſt, adulteries, and all [kynd of] haynous crymes abounds.

It is to be heavilie meant, that the brethren of the Miniſtrie, that hes gottin any meane proviſioun or help be the aſſignatioun [made] lxxxxv ȝeirs, are delayit and refuiſit of juſtice, be the Lords of Seſſioun refuſand to decide thair ſuſpenſiouns according to the act of Februar 1587.

Articles to be proponit to his Majeſtie for remeid of the former greives.

For remeid of the former greives, it is humblie to be craveit of his Majeſtie, that the lands of the forefaultit rebells be diſponit to ſick as are knowin to be moſt meitt, and of beſt affectioun, to reſiſt the enemies of religioun, and of his Majeſties Eſtate, both forraine and inteſtine: And in the meane tyme that thair livings be takin vp, and intromettit with be his Majeſties officers, and imployit vpon the intertainment of wagit men, and vther neceſſar vſes, for the manteinance and advancement of the good cauſe; and that the Ladies of Huntlie and Erroll be chargeit to come ſouth, and make thair reſidence in Sanct Androes, that they be no more a receipt

and incouragement to the enemies, as they are preſentlie, be thair ſubtile forme of practiſe, quhilk they have vſit this ȝeir by paſt, to the confirming of thair freinds and confederats, and intyſing of vthers quhom they might feduce to thair purpoſe, and open violence to ſuch as refuſes to yeild to thair courſe; and that the Ladie Huntlies eldeſt ſonne be brocht ſouth, to be trainit vp in the knowledge of good letters and religioun; and that the Lairds of Clunie, Gicht, Abergeldie, Cowbairdie, Craig ȝonger, Alexander Hay of Auchmatie, Buckie, James Knowis, Towie Barklay, Patrick Con, and the reſt of thair principall freinds and confederats, that hes kythit with them in actioun, in thair treaſonable interpryſes againſt his Majeſtie, be chargeit to come ſouth, and entir thair perſons in ſome ſufficient ward, ther to remaine ay and quhill they find ſufficient catioun vnder the paine of great ſowmes, that they ſall neither traffique, intercommoun, ſupplie, nor intertaine intelligence, or give any kynd of aſſiſtance to any of his Majeſties rebells, or [any vther] enemies of religioun [quhatſumevir,] and give ſufficient pledgis of thair ſonnes and neireſt freinds to that effect.

That his Majeſtie give commiſſioun to ſome of his ſpeciall ſervants, and vthers that are knawin to be of [abilitie and] good affectioun, to ſeik, ſearch, apprehend, and preſent before his Majeſtie, Mr Robert Abercrombie, Mr Alexander M'quherrie, the Abbot of New Abbay, Alexander Ramſay, the ȝong Laird of Bonytoun, Alexander Leſlie of Peile, Johne Gordoun of Newtoun, and vthers, Jeſuites, and excommunicat Papiſts, as thair names ſalbe givin in a roll.

That his Majeſtie wald proſecute his good purpoſe and intentioun declairit befor the Aſſemblie, anent the planting of the haill kirks within the countrey, with qualified Paſtours, and ſufficient proviſioun of ſtipend for thair intertainment; and for that effect, that he wald give commiſſioun to the viſitours nominat be the Generall Aſſemblie, to take inquiſitioun of the eſtate of all the kirks within the bounds of thair viſitatioun, and to deal with the tackiſmen and poſſeſſours of the teyndis, in his Majeſties name, for ſufficient proviſioun to the Miniſters, out of the rent of every paroch, and to report the ſamein to his Majeſties Commiſſioners appointit for the wark of the Platt, in the act of Parliament, and provyde ſome honeſt moyen for the intertainment of thair charges in the journey.

That his Majeſtie take ordour ſubſtantially be advyce of his Counſell and Eſtate, how the principall Judgement ſeats and vther inferiour Judgements may be purgeit of vnqualified and corrupt perſons, and filled with vthers

meit to difcharge that calling faithfullie, for the comfort of his Majefties peaceable and well difpofed fubiects.

That his Majeftie wald command [and ordain] the Lords of Seffioun to minifter juftice to the brethren of the Miniftrie, that hes gottin any augmentatioun of thair meane ftipends or new provifioun by the Commiffioners appointit be his Majefties Commiffioun the 1595 [ȝeirs,] and that according to the act of Februar 1587, as they are bound by thair folemne aith and promife; feeing the extraordinarie dearth vrges them with fo great neceffite, that vnleffe his Majeftie have fome confideratioun of thair eftate, they and thair families will be driven to extreame povertie and want.

[The new and conftant Platt of planting all the Kirks of Scotland, penned to be prefented to the King and Eftates, anno 1596.

Our Soverane Lord, with confent of the three Eftates in Parliament, underftanding that be the law of God it is exprefly commanded, as alfo for intertainment of religion and Gods fervice, it is more nor neceffar, that the Minifters of his holy word have fufficient rents for their honeft fuftentatioun; confidering alfo that the rents and patrimony, which of old pertained to the Kirk, is greatly damnified and exhaufted be annexation of the whole temporalitie thereof to his Hienes Crown, and be erection of a great part of the faid temporal lands of the Kirk, with diverfe kirks, and tithes included therewith, in new temporal Lordfhips; and be the new fafhoun of fetting of long tacks of the faid tithes for divers nineteen years and life rents fucceffivé, for payment of fmall filver duety, no wayes equivalent to the half of the reafonable valour of the faid tithes; and be the pretended rights of many penfions, life rents, affignations, and other difpofitions of the faids tithes, and duetie of tacks; and be his Majefties right of the thirds, fuperplus, commoun kirks, firft fruicts, and fyft pennie of every benefice, rights and difpofition of the fame, proceeding from his Hienes after his perfect age, and from his Graces predeceffors, for the moft part ratified in Parliament, whereby there is no moyen left prefently to augment the fmall ftipend of a poor Minifter, albeit he had never fo great ne-

ceſſity, nor yet to plant anie new Miniſter at anie congregation, albeit the moſt part of the pariſh kirks of Scotland are altogether deſtituted of all exerciſe of religion; and that there is a great number of Miniſters not provided, but wanting upon ſome ſpecial charge and vocation; lyke as a great number of good ſchollers of the youth of this realme, for the like poverty, is compelled to paſs to France, to the great danger of apoſtacy from religion, whereas otherways they might be profitable to the Kirk, and might be honeſtly intertained upon the ſaid tithes; which tithes, not only before the written law of God, and thereafter be expreſs commandement of the ſame, but alſo be the conſent of all nations, and ſpecialy of this realme, have ever pertained to the Kirk, whereby of all reaſon the Kirk having no other patrimony, ought to be maintained in the right and poſſeſſion of the ſaid tithes, at leſt ay and while they be ſufficiently provided otherwayes; conform to the which divers acts have been made in Parliament, That before the new proviſion of anie Prelat, the Miniſters at the kirks and pariſhes united to the ſaid Prelacie, ſhould be firſt provided to ſufficient ſtipends, otherwayes the proviſion of the Prelacy to be null: And likeways in the tenth act of Parliament holden 1567, it is ordained, that the whole thirds be firſt imployed to the uſe of the Miniſters, ay and whill the Kirk come in poſſeſſion of their own patrimony, which is the tithes: and alſo in the ſaid act of annexation, and divers other laudable acts, it is expreſly provided, that the Miniſters ſhould be ſufficiently provided of livings furth of the beſt and readieſt of the ſpiritualities; and that they ſhould be provided in title to all ſmall benefices, that they ſhould be provided to manſes and gleebs for their reſidence at their kirks; and that laick patrons ſhould provide qualified perſons: which acts have not tane fully effect, but on the contrair the livings of the ſaid Miniſters left uncertainly to be ſought from year to year, at his Hienes Exchecker, out of the thirds with infinit proceſs in law, be reaſon of the manifold diſpoſition of the thirds to other laick perſons, proceeding from his Hienes as having right to the whole thirds, commoun kirks, ſuperplus, fyft pennie, and temporalitie of ilk benefice, and be reaſon of the collation of benefices pleno jure to perſons no wayes qualified, contrair to the good meaning and intention of the foreſaid acts of Parliament, to the utter wrack and deſtruction of the Kirk be plain povertie, as the profeſſed enemies of Chriſt would have done of old, if ſpeedie remedy be not found: Therefore his Hienes remembring that there is nothing more proper to his royal office, nor to

be nurifher of the true Kirk, and to be carefull of the advancement of the true religion, and continuing thereof to the pofterity, with confent of the Eftates in Parliament, be the tenor of this act declares, that the whole tithes of this realme, both Perfonages and Vicarages, as well united to Prelacies and other dignities, as not united, and other tithes quhatfomever, have pertained in all times bygane, and fhall pertain in all times, to the Kirk as their proper patrimony: and of new, with confent forefaid, giveth, granteth, and difponeth, and perpetually mortifieth the faid tithes of all Perfonages, and Vicarages, and other benefices whatfomever, within the realme, to the Kirk to remain therewith, as their own proper patrimony, conform to the tenor of this prefent act, in all time coming: And, with advice forefaid, ftatuteth and ordaineth, that the Lords of Exchecker, with fuch of the Miniftry as fhall be appointed hereunto, being of equal number with the faid Lords, fhall modifie and affigne out of certain touns of every parifh, a certain quantity of victual of the teind fhaves thereof, and other dueties of the Vicarage, as the nature of the ground may pay, with the manfe, and whole gleeb land, if the fame remain yet unfewed; and if the faid glebe be fewed, four aiker of the faid gleeb, whither the fame be of the Parfons, Vicars, Bifhops, Pryors, or Prioreffes, Deans, and Subdeans, Abbeys, or any other Kirk Land, for the gleeb, as a local ftipend to every parifh kirk of this realme, without exception, for fuftentation of the Minifter thereat fufficiently and honeftly in all refpects, of the fruicts of the parifh itfelf, notwithftanding the faid kirks be annexed to Prelacies, or other benefices, or not doted to Colledges, or Univerfities, or otherwayes pertaining to old poffeffors of whatfomever degree, or to Minifters newly provided in title therto at the Kings prefentation, or laick patrons, divided amongft many Prebendaries, Deanries, or Chaplanries, or not divided commoun kirks, or other whatfomever qualitie, or condition the faid parifh kirk has been of, or be whatfomever manner of way the tithes thereof have been bruiked in times by paft, and notwithftanding all and whatfomever right his Majeftie may have, or pretend to the thirds, fuperplus, firft fruits, and fift penny, of the faid benefices; and notwithftanding of all penfions, tacks, affignations, life rents, erection of the faid tithes, or any part thereof in a temporal Lordfhip, provifion to Prelacies, or other benefices, unions, or divifions of the faid parifhes, and other difpofitions of the faid tithes, or any part thereof whatfomever, proceeding from his Majeftie, or his predeceffors, after his or their perfect age, confirmed in Parliament

with whatſomever ſolemnity or otherwayes, to whatſomever Caſtles, Colledges, Univerſities, or particular perſons of whatſomever degree: And notwithſtanding of whatſomever other tacks, penſions, life rents, fewing of the ſaid tythes, with lands, and fewing of the ſaid gleebs, and other diſpoſitions whatſomever, made be Prelats, or beneficed perſons, with conſent of their Chapters, to whatſomever particular perſon, Colledge, or Univerſity, for whatſomever ſpace of years, or yearly duty: And notwithſtanding of the priveledge of the Lords of Seſſion, and acts of Parliament, and other laws bygane, unions, annexations, and incorporations of ſeveral pariſh kirks to a Prelacy or other benefice, or diviſion of the fruicts of a pariſh amang many Prebendaries, or Chaplanries, or others; and notwithſtanding all other impediments which any way may ſtay the full execution of this preſent act: Declaring all and whatſomever the ſaid proviſion of benefices, unions, incorporations, diviſions, tacks, penſions, life rents, erections, and fewing of tithes, manſes, gleebs, priveledges, acts, lawes, and former conſtitutions, and other diſpoſitions whatſomever of the ſaid tithes, manſes and gleebs, proceeding from his Majeſtie, or his Majeſties predeceſſors, or whatſomever other beneficed perſon, with whatſomever ſolemnity, to be null in time coming, in ſo far as they may make any prejudice to this preſent act, and to the particular local aſſignation of ſtipends to be aſſigned to every pariſh kirk, conform thereto, and to the full execution thereof, but any other reduction or declarature of law: With power to the ſaids Lords and Miniſters to take true tryal of the valour of the ſaid tithes; and to appoint, ordain, and aſſigne the ſaids perpetual local ſtipend at every pariſh, out of ſuch ſpecial touns and lands of the ſaid pariſhes; and to unite ſeveral pariſhes in one, to diſſever one in moe, with conſent of the parochiners; and to make a ſpecial book thereupon; and generaly to doe all things neceſſar for this effect: Which local aſſignations of ſtipends and tithes whatſomever of the particular towns and lands to be ſpecified therein, ſhall pertain as freely to the Miniſter of the ſaid pariſh, as if he had been provided of old in title thereto: with power to the ſaid Miniſter to collect, gather, and intromett with, and to make warnings and inhibitions againſt the poſſeſſors of the ſaid tithes, manſes and gleebs, with as great effect as any Parſon, or Vicar, or any other beneficed perſon might have done in any time bypaſt, notwithſtanding all impediments foreſaids, and other whatſomever, but prejudice of the ſaids Miniſters rights to the whole remanent of the ſaid benefices, when the ſame ſhall vaike, and fall in their hands, be de-

ceafe of the prefent poffeffors, reducing or expyring of tacks, or other ways whatfomever, and of the free difpofition thereupon, as accords of the law, and conforme to this prefent act in all points. And for the better execution of the premiffes, our Soverane Lord, with advyce forefaids, diffolves expreffly all and whatfomever unions of feveral parifh kirks to Prelacies, benefices of dignity and others, and fuppreffeth and abrogateth the name and ftiles of the faid Prelacies and dignities, and unites of new the tithes of every parifh, where the fame were divided of old amongft many Prebendars, Chaplans, and others, in a whole benefice; and ordaines that Minifters be provided in title to every parifh kirk in particular, which was before united to Prelacies now vacant, or which have vaiked in his Graces hand, fince the Parliament holdin at Edinburgh in anno 1584, or which fall in any wife hereafter vaick be demiffion, deprivation, or other ways whatfomever; and to all other feveral parifhes vacant, both to the Perfonage and Vicarage thereof, with the manfe, and gleeb of four aikers of land, conform to the former acts made anent the faid gleebs and manfes; at the which kirks the faid Minifters fhall be oblifhed to make their refidence, and fhall have intromiffion with the fruits thereof, conform to this prefent act, and book of perpetual modification of the local ftipends to follow hereupon: and after their deceafe, demiffion, or deprivation, the other qualified perfons to be prefented thereto be his Hienes and his Graces fucceffors, and be others having the right of prefentation and patronage thereof; and that no new Prebendars fhall be provided after the deceafs of the prefent poffeffors, but the rent to accrefce to the living of the Minifter, conforme to this act, &c.

And becaus it is moft neceffar that the faids local ftipends be of a certain quantity, according to the nature of the ground, and out of certain fpecial lands moft eweft to the kirk, and commodious to the Minifter, that the Minifter may know of whom to crave his duetie: And feing it is impoffible to the Lords of Excheker to know what lands to appoint for payment hereof, be reafon they know not, neither the names of the lands, nor valour of the teind fhaves of every particular toun and land within this realme: Therefore his Hienes, with advyce forfaids, ordaines, that every Prefbytrie within this realme, with advice of three Barons, or landed Gentlemen, who have their refidence within the faid Prefbytrie, of good religion, and leift participant of Kirk rents, chofin be advice of the General Affembly, and failling the concurrence of the faids Barrons, that

the ſaid Preſbyters be themſelves ſhall have power to eſtimate reaſonably the valour of tithes, both Perſonage and Vicarage, of every particular town, and lands laying within each one of the ſaids touns, and pariſhes of their Preſbytries, and of the commodiouſneſs thereof to the ſuſtentation of their Miniſter: which eſtimation ſhall be publiſhed upon two ſeveral Sundayes, in time of divine ſervice, in the ſaid pariſh kirks; with proviſion, that whatſomever party intereſſed in any wiſe be the ſaid eſtimation, and pleaſe to complain thereupon, ſhall have moſt ſummar remeed before the ſaids Lords of Exchecker, after ſummar cognition of the caus betwixt the ſaid Preſbytrie, and particular Miniſter of the pariſh kirk, and general Procurator of the Kirk, or others having intereſt on the one part, and the ſaid partie compleaner on the other part.

Attour becauſe the dilapidation of the rents of the Kirk has proceeded for the moſt part from the Kirkmen themſelves, who had ower great liberty to ſett ſuch long tacks, and fewes, and for ſuch dueties as they pleaſed; the ſolemnity of ordinar Chapters ſerving not to reſtrain the ſaid dilapidation, for which they were firſt inſtituted, but rather to authorize the ſame; which Chapters for the moſt part be now worn out: Therefore, our Soverane Lord, with advice foreſaid, ſtatutes and ordaines, that no Miniſter or beneficed perſon ſhall have power to ſett in tack, or to make any kind of diſpoſition, alteration, or change in any wayes, the eſtate of the local ſtipends of the pariſhes, with whatſomever conſent or ſolemnity; neither to ſett new tacks, or to renew old tacks of whatſomever other tithes of his pariſh, or any part thereof, or make whatſomever diſpoſition of the ſame in tyme coming, without conſent of the whole or the moſt part of the Preſbytrie, wherein the pariſh lyeth, [aſſemblit] at the ordinary day of conveening, after reaſoning two former ordinar dayes, anent the equity of ſetting, renewing, or making of the ſaid tacks and diſpoſitions: And declares, that the converting of victuals or other dueties [in ſiluer,] ſhall be expreſs diminution of the rentall; and a cauſe of nullity and reduction: And for eſchewing of antedeating of tacks and rights of tithes [whatſumeuer], and of the infinit time for which the ſame was ſett in tyme bypaſt, his Hienes, with advice foreſaid, ordains, that all and whatſomever tacks of whatſomever tithes ſett in any time preceding the date hereof, for whatſomever longer time of many nynteen years tacks, or lyfe rents ſucceſſivé, ſhall endure only for the ſpace of nineteen years after the date of the ſaid tack; with proviſion, that whatſomever nynteen year

tack, or life rent of tithes, which has not begun in the ſetters tyme, ſhall be null and of none availl, albeit another nineteen year tack or life rent contained in the ſame tack, has begunne or run out in the ſaid ſetters time: and that all former tacks of tythes preceeding the date hereof, life rents, aſſignations, penſions, erections, fewes, and other diſpoſitions of tithes, ſhall be produced before the Lords of Exchecker before the day of next to come, and regiſtred in the books of the Collectorie: at the left ſo much of the ſaid erections and fewes to be regiſtered, as containeth the rights of tithes contained therein; and the date of the regiſtration thereof, and the perſon ingiver of the ſaids tacks and other rights, to be regiſtred therewith in like manner, and marked and ſubſcribed be the Collectors Clerk, vpon the bak of the ſaid tacks and rights, for eſhewing of all frauds which may be herein; with certification, that the tacks, and other rights of whatſomever tithes, not regiſtred, as ſaid is, ſhall be null, and make no faith in judgment nor without: and that the imprinting or publication of this act, ſhall be ſufficient intimation hereof, and of the certification foreſaid, without any other ſpecial letters, &c.

Moreover, becaus the Miniſters and other beneficed or laick perſons, having the rights of tithes of other mens heritage, oft times unjuſtly trouble both themſelves and the lawfull poſſeſſors of the ſaids tithes, with inhibitions, and actions of ſpoilzie, whereby they compell them to hight their tithes above the reaſonable valour: Therefore our Soverane Lord, with advice foreſaid, declares and ordaines, that whatſomever perſon is lawfully in the natural poſſeſſion of tithes be leading and intrometting therewith, the heritage or preſent right of poſſeſſion of the land being his own, and makes good and thankfull payment, within dayes after ilk terme, of the duetie of the ſaid tithes, conforme to the eſtimation above written, to be made be the Preſbytries forſaids to the Miniſters and others having right to the ſaid tithes; in that caſe, the ſaid perſon ſhall be free of all action of ſpoilzie and danger which may follow upon inhibition led againſt him thereanent: provyding alwayes, that whatſomever perſon committ any violence in ejecting another furth of the natural poſſeſſion of leading of tithes, ſhall be ſubject either to the action of ſpulzie, or the quadruple of the eſtimation foreſaid, at the option of the partie ejected, as ſaid is. Like as alſo it is provyded, that quher the right both of the property, and preſent right of the actual poſſeſſion of the land, and als of the tithes, concurre in one mans perſon, it ſhall be leaſome to him to uſe inhibitions, and, conforme to the old order, apprehend poſſeſ-

ſion of his own tithes, paying always the duetie and valuation thereof to the Miniſter, or others having right; in which caſe, the offer of the eſtimation foreſaid ſhall be no relevant defence to reſcind the natural poſſeſſion of the tithes of another perſons heritage; and to eſhew the danger of ſpulzie in prejudice of him who has the right both of the lands and tithes, as ſaid is, and in favour of him, who has not preſent right to the actual poſſeſſion of another mans land, nor yet of the tithes thereof. &c.

Attour, be reaſon that the ſaid patrimony of the Kirk ſhould alſo ſuſtain and uphold ſchools and poor, with common affairs of the Kirk, and other godly uſes: Therefore our Soveraign Lord, with advice foreſaid, ſtatutes and ordains, that a perfect rentall be made of the ſuperplus of the rents of every pariſh kirk, by and attour the foreſaid local ſtipends, containing the rights, be the which the ſuperplus of every benefice is poſſeſſed; and that the Miniſter, albeit he be provided in title to the whole benefice, and have the collection of the whole fruicts thereof, and liberty to reduce tacks and ſewes, as any other beneficed perſon might have done of before; yet the ſaid Miniſters ſhall not have the free diſpoſition of the ſaid ſuperplus to their own uſe, but ſhall be comptable thereſor to them who ſhall obtain the right thereof: and in caſe of their failzie in thankfull payment, or committ violence, they ſhall be ſubject to the danger of ſpulzies double or quadruple of the eſtimation foreſaid, ſic like as others that make not payment thankfully to the ſaid Miniſters themſelves, conforme to the former article.

And as for the ſuperplus of the rent of every particular pariſh kirk, by and attour the local and perpetual ſtipend appointed for the Miniſter, which ſuperplus either preſently pertaineth to the Kirk be vaiking of the benefice or vtherwayes, or ſhall hereafter pertain, or fall in the Kirks hands, be expyring or reduction of tacks and other rights, deceaſe of the preſent poſſeſſors, or otherways whatſomever, our Soverane Lord, with advice foreſaid, ordaines and ſtatutes, that the ſaid ſuperplus ſhall be diſponed be the advice of the Lords of Exchecker, and brethren of the Miniſtry appointed for modification of Miniſters ſtipends; firſt, to the Colledges, and Lords of Seſſion, and old poſſeſſors of the benefices, induring their life times, for ſo much as ſhall be tane from them be the preſent order; next, that the common affaires of the Kirk be ſufficiently ſuſtained thereupon; thirdly, that reaſonable conſideration be had of the poor, ſtrangers, widowes, and orphans; reparation of bridges, kirks, hoſ-

pitals, and other godly works: And if there be any reſt, the ſame ſhall be collected, and keeped to the uſe of the Kirk, and at their diſpoſition allenerly. And whatſomever particular perſon, Colledge, or other ſhall obtain aſſignation of any part of the ſuperplus be the ſaids Lords and modifiers, their ſaid aſſignation and letters thereupon ſhall be ſpecialy in quantity, and out of what touns and lands the ſame is aſſigned; and the ſaid letters ſhall be ſpecialy directed againſt the tennents and actual poſſeſſors of the ſaid particular lands, and the Miniſter of the pariſh allanerly, ſo that no letters in time coming be directed generaly againſt all and ſundrie the parochiners, &c.; and of the beſt and readieſt of the fruicts where the right whereupon the letters paſs extends only to a part of the fruits, and not to the whole fruicts of the paroich, as was of before, which was the occaſion of great confuſion.

And becaus the Prelacies in effect were before diſſolved, the whole temporalities thereof being annexed to the Crown, and Miniſters ſtipends ordained to be tane out of the pariſh kirks united and incorporated therewith; lyke as be this order the whole ſpiritualitie and tithes are of new deſtinated, given and mortified to the Kirk, whereby the ſaids Prelacies are all utterly diſſolved, and ſo ceaſs in time coming to be one of our Eſtates in Parliament: Therefore our Soverane Lord, with advyce foreſaid, ſtatutes and ordains, that in time coming every Preſbytrie ſhall ſend, of their own number, a Commiſſioner to the Parliament, out of the which whole number of Commiſſioners the reſt of the Eſtates ſhall choiſe ſo many as, being joyned with the old poſſeſſors of the Prelacies, who ſhall be preſent for the time, may make out the full and compleat number of them who have vote in Parliament for the eſtate of the Kirk, which number ſhall be equal with the number of any of the other Eſtates. And after the deceaſe of the whole preſent poſſeſſors of Prelacies, the whole number of the Kirks Eſtate ſhall be elected, and tane of the ſaid Commiſſioners of the Preſbytries, who ſhall have ſuch vote, priveledges and liberties in Parliament, as the ſaid Prelats had of before, &c.

And to the effect that the rights of no parties be further prejudged, our Soverane Lord, with advice foreſaid, ratifieth all acts and ſtatutes made of before in favour of the Kirk, in ſo far as the ſame agrees, or may in any wiſe fortify this preſent act; and ſpecialy the act of Secret Counſell, Seſſion, and Exchecker, upon the 14 of Februar 1587: And in like manner, all acts and ſtatutes made in favour of ſewes, tacks, patronages, penſions,

erections and other dispositions of the kirk rents, in so far as they are not contrair or any ways repugnant to this prefent act, or full execution thereof: Which acts, together with all and whatsomever rights pertaining to privat persons and parties, such as fewes, provision of their benefices, erections, tacks, lyfe rents, pensions, patronages, assignations, and dispositions whatsomever of the tithes, shall stand in the same force as of before the making of these presents, excepting plainly in so far as they are expressly prejudged be the said local stipend to be appointed to every particular parish, conform to the tenor of this present Act, and Book of particular modification to follow thereupon, and other provisions and restrictions expressly contained herein. Lyke as our Soverane Lord, with advice foresaid, abrogateth all former lawes, acts, constitutions, practicks, and ordinances whatsomever, which may in any wise hinder, stop, or impede this present act and full force and execution thereof: and declares whatsomever shall be done in the contrair thereof, or any part of it, the failyie and contravention shall be tryed; and the right disposition or other deed whatsomever, done contrair to the tenor hereof, shall be reduced and annulled, als well by way of exception, reply, or duply, as by way of action. Lyke as our Soveraign Lord, with advice foresaid, commands, that no Judge remitt to an action, or delay the proponer of the said nullities by way of exception, reply, or duply, but proceed instantly to the tryall of the said nullities, as said is.

Attour, becaus there are divers and sundry persons who presently bruike the rents of every parish kirk, our Soverane Lord, with advice foresaid, ordaines, that the quantity of the local and perpetual stipends should be equally tane from every one of the saids persons proportionally, at the left every one to relieve others proportionally, according to the free profit which they receive of the saids tithes, at the discretion and summar cognition of the said Modifiers, who shall be only Judges herein, and shall try, judge, and cognosce summarly upon the equity of the relief betwixt the possessors of the saids tithes, such as where there is a Prelat, or old provided man, ane, or moe tacksmen or pensioners, new erected Lordships, with tithes included, with the fewes of lands, fewes of fermes, and whatsomever other variety there is of rights, be the which the possessor of the tythes of every parish respective bruiketh the same: and what relief the rest ought to make them, from whom immediatly the rights of the tithes are tane, which shall be assigned for the perpetual local

ſtipend of every pariſh kirk; wherein alſo ſhall be conſidered the right which our Soverane Lord had to the thrids or any other parts of the benefices, togither with ſuch other actions, for the which his Majeſtie might have charged the poſſeſſors of the ſaid tithes. Like as alſo the ſaids Lords of Exchecker, in making of the ſaid relief, ſhall conſider immunities, priveledges, and rights, which parties had of before, and validitie thereof, with all other circumſtances ex æquo et bono. And for this effect, our Soveran Lord, with advice foreſaid, giveth power to the ſaid Lords of Excheker, and Miniſters ſpecially to be appointed, be his Hienes Commiſſion, being always equal in number with the ſaids Lords, to interpret all obſcurities, and to decide ſummarly all controverſies, which ſhall ariſe upon this preſent act, and upon the foreſaid relief, betwixt all parties ſubject thereto. C. & Melvills Diary.]

A. D. M.D.XCVI.

The Generall Affemblie haldin at Perth, the firft day of Marche 1596, [the laft of Februar: C.] Quher ther conveinit the Commiffioners from all Prefbytries, according to his Majefties miffive.

Seffio 1a.

Exhortatioun ther was none.

Anent the fupplicatioun given in be Mr Thomas Nicolfone, Advocat, bearing that in refpect he was admittit to be Clerk of the Generall Affemblie, in place of vmquhile Mr James Riche, laft Clerk therof, be fevin of the Commiffioners deput be the laft Generall Affemblie, to intreat and conclude in the affaires of the Kirk, quhilk fould fall out [and intervene] betuixt and the nixt Generall Affembly, that, therfor, the Affemblie now conveinit wald admitt the faid Thomas to the faid office, and corroborat his admiffioun with thair authoritie: The brethren conveinit, all in ane voyce, hes creatit and admittit the faid Thomas de novo, and electit him to be Clerk of the Kirk, with power to him to vfe and exerce the fame, and all priveledges belonging therto, as frielie as any Clerk might have done at any time bygane.

Seſſio 2a. 2 Martij.

Anent the commiſſioun direct be his Majeſtie to Sir Johne Cockburne of Ormeſtoun, Knyght, Juſtice Clerk, and Mr Edward Bruce, Commendatour of Kinlos, with all expeditioun, to repaire to the Commiſſioners of the Preſbytries of the Kirk preſentlie conveinit within the Kirk of Perth, and to inquyre of them if they be ane lawful Generall Aſſemblie of the Kirk, and hes ſufficient power of themſelves to give anſuer, treat and conclude vpon ſuch things as are to be proponit and intreattit in this preſent Conventioun, according to his Majeſties warrand and miſſive direct to them be his Hienes to that effect, and to report thair anſuer, in wryte, theranent. The brethren preſent, after long reaſoning and conference had anent the premiſſes, thinks that thair meiting is ane laufull Generall extraordinar Aſſemblie, be reaſon of his Majeſties letter direct to the Preſbitries and Provincialls to that effect, and the Preſbitries and Provincialls commiſſioun given to meitt in the towne of Perth: and therfor are willing to heir quhat his Majeſtie will propone; and to treat, conclude, and give anſuer theranent, conforme to the commiſſions with the quhilk they are authorizit be the Preſbitries and Synodalls.

Seſſio 3a. 2 Martij.

The Commiſſioners deput be his Majeſtie proponit certaine heids and articles to the brethren to be reſolvit and concludit in the preſent Aſſemblie, quherof the tenour followis:

Sen the quyetnes of the Kirk, and frieing of the ſame of ſlander, quhilk vpon the contrair effects wald neceſſarly follow, is the cheife butt and end, quherat his Majeſtie ſhoots in the conveining and halding of this preſent Aſſemblie: Therfor, for eſchewing of faſchious and langſome diſputatiouns, quhervpon diverſe vncomely contraverſies and debaits might ariſe, his Majeſtie hes thocht good to remitt the deciſioun of a great number of the printed queſtions to a better opportunitie, to be reaſonit in the meane tyme be ſick as ſalbe authorizit be commiſſioun to that effect; and for the preſent ſall content himſelfe with the deciſioun of thir few articles follow-

ing, having made choiſe of nane bot ſick as neceſſitie of tyme could not permitt to be delayit, without great harme and ſlander to follow.

1. That it be not thocht vnlawfull neither to the Prince nor any vther of the Paſtours any tyme heirafter, to move doubts, reaſon, or crave reformatioun in any points of the externall policie and governement or diſcipline of the Kirk, that are not eſſentiallie concerning ſalvatioun, or is not anſuerit affirmativé vel negativé be any expreſſe part of the Scriptures; provyding that it be done decenter, in rycht tyme and place, [animo] edificandi non tentandi.

2. That ſen the civill and politick governement of the country belongs always and allanerlie to the Kings office and his Counſellours, and is no wayes pertinent to the ſpirituall Miniſtrie of the Word, that no Miniſter ſall at any tyme heirafter meddle with the matters of the Eſtate in the pulpit, or with any of his Majeſties laws, ſtatutes, or ordinances: Bot if any of the Miniſtrie ſall think any of them hurtfull to the religioun, or contrair to the Word, they ſall privately complaine thervpon to the King and his Counſell.

3. That it ſall not be laufull to the Paſtours to name any particular mens names in the pulpitt, or ſo viuelie to deſcryve them as may be equivalent with thair naming, except vpon the notoritie of a cryme; quhilk notoritie man only be defynit be the guiltie perſons being fugitive for the tyme, or being fylit by ane affyſe, or excommunicat for the ſame.

4. That every Miniſter, in his particular applicatioun, ſall have only reſpect to the edificatioun of his awin flock and preſent auditour, without expatiating vpon vther diſcourſes no wayes pertinent for that congregatioun.

5. That everie particular Preſbitrie ſalbe commandit to take diligent accompt of thair Paſtours doctrine, and that he keip himſelfe within the bounds of the premiſſes.

6. That ſummar excommunicatioun be allutterlie diſchairgeit as inept, and that thrie laufull citatiouns, at leaſt of auct days interuall betuix every ane of them, preceid the ſentence.

7. That no Seſſioun, Preſbitrie, nor Synodall, vſe thair cenſures vpon any bot them that are reſident within the bounds committit to them; vtherwayes thair decreits and ſentences to be null.

8. That all ſumounds containe ane ſpeciall cauſe and cryme; and nane ſuper inquirendis to be ſumound, quod eſt mere tyrannicum.

9. That no meiting nor conventioun be among the Paſtours without his Majeſties knowledge and conſent; excepting alwayes thair ordinar Seſſiouns, Preſbitries, and Synods.

10. That in all the principall townes, Miniſters be not choſin without the conſent of thair awin flock and of his Majeſtie; and that ordour to be begun preſentlie in the planting of Edenburgh.

11. That all matters concerning the reſt of his Majeſties queſtiouns be ſuſpendit [unmedled with,] either in pulpitt or any vther judicators, quhill firſt all his Hienes queſtiouns be fullie decydit; and in ſpeciall, that all matters importing ſlander come not in before them in the meane tyme, quherin his Majeſties authoritie royall is hielie prejudgeit, bot only in cauſes that are meere eccleſiaſtick.

12. That ſevin or aucht of diſcreit wyſe Miniſters be authorizit be commiſſion, to reaſon vpon the reſt of the queſtiouns, as opportunitie of tyme ſall ſerve.

13. That they give commiſſioun to the Miniſtrie of the North to be at a point with Huntlie; and if he ſatiſfie them, to abſolve him.

And for the better anſuering of the ſaids articles, the Aſſemblie ordainit certaine brethren to be choſin out of every ſhyre preſentlie conveinit, quho ſould give thair advyce and overture vpon the ſaids articles proponit be his Majeſtie, and theraſter report the ſame to the Aſſemblie: They are to ſay, Mrs John Monro, Alexander Dowglas, Peter Blackburne, Johne Strathanchin, Alexander Forbes, James Nicolſone, Andro Lamb, Alexander Lindſay, William Cowper, Thomas Buchannan, James Melvill, Johne Spotiſwood, Adame Colt, Thomas Storie, Andro Clayhills, Johne Knox, James Bryſſoun, Patrick Sharp, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay.

Seſſio 4a.

[Anſwers to the Articles be the brethren appointed on the conference.

The brethren conveened gave their advyce in the firſt article, That it is not expedient to make a law or act touching this, leaſt a door ſhould be opened to curious and turbulent ſpirits; otherwiſe they think it lawfull to

the King be himſelf or his Commiſſioners, to propound in a Generall Aſſembly whatſomever points he deſires to be reſolved in, or to be reformed in ſpecie externi ordinis, ſeeing ſubſtantia externæ adminiſtrationis eccleſiaſticæ eſt pleniſſime tradita in Sacris Literis: And as the Generall Aſſembly may accept of that from the King, ſo may the Generall Aſſembly doe anent any thing that is done be his Hienes in any Convention, meeting, or Aſſembly conveened be him hereafter.

2. Their advice to ſecond article is, That laws already made, hurtfull to religion, and prejudiciall to the liberty of the Word, be declared to be expired, as the ſame ſhall be particularly condeſcended upon; and no laws be made hereafter touching religioun without advice and conſent of the Kirk, who are declared to be the third Eſtate of the country: and that no act whatſomever be made contrary to the Word, the preaching whereof the Paſtours have concredited to them; which if it ſhall fall out (as God forbid) they think, that every Paſtour, be advice of his Preſbitrie, Synodall or General Aſſembly, ſhould firſt complean and ſeek remedy of the ſame; which remedy not being gotten, they ſhould direct the force of the Word againſt the ſame with all liberty. And as concerning matters of Eſtate, the brethren deſires the explaining of this point of the article.

3. No mans name ſhould be expreſſed to his rebuke in pulpit, but where the fault is notorious and publick; yet they eſteem Notoriety muſt be defyned otherwayes than by being fugitive, and fyled by Aſſiſe, or excommunicated: for contumacy after citation, publick commiſſion of murther, adultery, or the like, as was Bothwels coming to the Abay, the murder at Dunnybriſſel, and many other of that ſort, makes notoriety. As to the vive deſcription, equivalent to the naming, it is hard to ſet a law therto, ſeeing a guilty perſon will apply to himſelf, howbeit the Preacher never thought of him.

4. No Paſtor ſhould uſe application, wherein he has not reſpect to the edification of his own flock, and the preſent auditors.

5. It is the duty of every Preſbytrie to take account of every Paſtors doctrine, that he keep himſelf within the bounds of the Word of God.

6. In the Generall Aſſembly holden at Montroſe, it was ordained, That every Preſbytrie ſhould ſeek out the warrants of ſummar excommunication pro et contra, and produce the ſame to be conſidered in the next General Aſſembly; and that deciſion might be takin therein, according to the Word of God. And ſeeing the Commiſſioners from Preſbytries at this preſent

have not brought with them the ſaids reaſons, it is beſt to leave this matter to the ordinar General Aſſembly. In the meantime the act of Montroſe to be keeped.

7. The General Aſſembly has appointed every offender to be cenſured in the place where he offendeth; which they cannot goe by, niſi in cauſa communi.

8. Fiat.

9. This article is againſt the meeting of Paſtors neceſſar, as viſitation of kirks, admiſſion of Miniſters, concurrence of brethren on the moſt lawfull errand, as in taking up of feeds, reſolving of queſtions, and ſuch lyke: Therefore, beſide their Seſſions, Preſbytries, Synods Provincial and General, the brethren think all meetings, for diſcharge of their office, ought to be allowed.

10. This article is anſwered be an act of the General Aſſembly, which ſtatutes, that the principal touns ſall be planted with Miniſters be advice of the General Aſſembly, at the which his Hienes Commiſſioners are, and ſhould be preſent.

11. This article imports a diſcharge of many points of our Diſcipline, ſo as it cannot be preſently anſwered.

They gave their advice be word to 12 and 13 articles. C.]

Seſſio 5a. 4 Martij.

The brethren conveinit being deſyrit be the Kings Commiſſioners, ſent fra his Majeſtie to that effect, to repaire to the place quher his Hienes and Eſtates were preſentlie ſittand, to conferre anent the forſaids articles, they, at his Majeſties deſyre, reforted to the Counſell houſe; and ther, befor any farther reaſoning, after his Majeſtie had diſcourſit vpon ſick things as ſould be proponit, proteſtit in maner as after followis:

Sir, Forſameikle as we are come hither to teſtifie to ȝour Majeſtie our obedience, and to heir quhat ſalbe proponit be ȝour Hienes to vs, with all reverence we proteſt, that this our meiting be not eſteimit as thoch we made ourſelves ane Aſſemblie with the Eſtates, or ȝet dois ſubmitt any matters eccleſiaſticall, either concerning doctrine or diſcipline, to this Judicatour:

But after we had conferrit and reafonit with zour Majeftie anent the articles proponit to vs, we muft returne to the ordinary place of our Affemblie, ther to reafon, vote, and refolve in all thefe points, according to the Word of God and a good confcience. And this our proteftation we moft humblie defyre may be admittit and infert in zour Majefties Bookis of Counfell, for efchewing of inconveniences that heirafter may rife.

The quhilk proteftatioun was ratified and reiterat and confirmit be his Majeftie; and after lang reafoning vpon the faids articles, the brethren was dimittit.

[The anfwers as they were altered, and are extant regiftred in the 6th Seffion, here follow. C.]

Seffio 6a. 4 Martij.

Anent the Articles proponit be his Majeftie to be refolvit and anfuerit be the Generall Affemblie, the brethren, after long conference and mature deliberatioun, concludes and anfuers to the fame, in maner and forme as after followeth:

1. That it is laufull to his Majeftie, be himfelfe, or his Hienes Commiffioners, or to the Paftours, to propone in a Generall Affemblie, quhatfoevir [poynt] his Majeftie or they defyres to be refolvit or to be reformit in matters of externall goverment, alterable according to circumftances; provyding it be done in right tyme and place, animo edificandi, non tentandi.

2. The Affemblie ordaines that no Minifter fall reprove his Majefties laws, ftatutes, acts, and ordinances, vnto the tyme that firft he be advyce of his Prefbitrie, Synodall or Generall Affemblies, complaine and feik remedy of the fame from his Majeftie, and report his Majefties anfuer, befor any farther proceiding.

3. No mans name fould be expreft to his rebuik in pulpitt, except the fault be notorious and publick; quhilk notoritie is defynit, If the perfon be fugitive, convict be ane affyfe, excommunicat, contumax after citation or laufull admonition; nor zet fould any man be defcryvit vivelie be any other circumftances except publick vyces alwayes damnable.

4. The brethren finds that no perſon ſould vſe applicatioun, quherin he has not a cheife reſpect to the edifieing of his awin flock and preſent auditours.

5. The Aſſemblie ordaines every Preſbitrie to take diligent accompt of the Paſtours doctrine, and that he keip himſelfe within the bounds of the Word.

6. The Aſſemblie ſuperſeids to anſuer to the 6 article to the nixt Aſſemblie; and, in the meane tyme, ſuſpends all ſummar excommunicatioun quhill the ſaid Aſſemblie.

7. The 7 lykewayes is referrit to the next Aſſemblie.

8. Ordaines all ſummonds to containe a ſpecial cauſe and cryme, and that nane be ſummound ſuper inquirendis.

9. No Conventiouns ſould be among the Paſtours without his Majeſties knowledge and conſent, except alwayes thair Seſſiouns, Preſbitries, and Synods, thair meitings in viſitatioun of kirks, admiſſioun and deprivatioun of Miniſters, taking vp of feids, and ſick vthers as hes not bein found fault be his Majeſtie.

10. In all principall townes, Miniſters ſould not be choſin without the conſent of thair awin flock and his Majeſtie.

11. All matters concerning his Majeſties queſtiouns remanent ſalbe ſuſpendit, not damned or rebuiked either in pulpitt or vthers thair Judicatours, quhill firſt all his Hienes queſtions be decydit in the nixt Generall Aſſemblie; and in ſpeciall [no] matters importing ſlander ſall come in before them in the mean tyme, quherin his Majeſties authorite royall is [highly] prejudgeit, excepting only eccleſiaſticall cauſes.

12. The Aſſemblie hes choſin and appointit certaine brethren with commiſſioun to intreat vpon the ſaids queſtiouns, and to report thair advyce and opinioun to the nixt Generall Aſſemblie; referring the tyme and place of conveining to his Majeſtie. The brethren appointit to that effect, as followis: Mrs James Nicolſoun, Johne Caldcleugh, Andro Clayhills, David Lindſay, Thomas Buchannan, James Melvill, Robert Wilkie, William Couper, Johne Couper, Thomas Bryſſoun, Robert Rollock, Patrick Galloway, Johne Duncanſone, Robert Hewie.

13. The Aſſemblie gives commiſſioun to the Miniſtrie of the Preſbytries of Murray and Aberdein to inſiſt in conference with the Erle of Huntlie; and to that effect appoints Mrs Andro Milne, Andro Leich, Andro Lamb, George Gladſtanes and Johne Ramſay, to concurre and aſſiſt with them, and [ordaines them to] report thair anſuers to the conditiouns and articles given to them in commiſſioun for tryall of the ſaid Erle.

Seſſio 7a. 5 Martii.

The Articles for the trial of the Erle of Huntlie.

Firſt, That the ſaid Erle, from the day of his compeirance befor the ſaids Commiſſioners, ſall make his conſtant and ordinarie reſidence in Aberdein, that he may be inſtructit be hearing of the Word, and ordinary conference, indureing the tyme appointit for the ſame.

2. That he be weill informit with knowledge to condiſcend on the principall grounds of religioun affirmativé, and the vntrueth of the errours contrair to the ſame; and that he be able to give a reaſon of his knowledge in ſome meaſure.

3. That he be brocht to a plaine acknowledging of the Kirk within this countrey, and profeſſe himſelfe adjoynit to the ſame, as ane obedient member therof, and be content to heare the Word, participat the ſacraments, and obey the diſcipline of the Kirk, as the ſame is preſentlie allowit be the Kings Majeſtie and Eſtates.

4. That he ſolemnlie promiſe, be word and wrytin band, to remove out of his houſe, companie, and haill bounds vnder his power, Jeſuits, Preiſts, and excommunicat perſons.

5. That he aggrie to ſweare and ſubſcryve the Confeſſioun of Faith in preſence of the haill Commiſſioners.

6. That he aggrie to ſatiſfie the Kirk of Aberdeine, in moſt humble manner, for his apoſtaſie, and ther renew the forſaids promiſes and bands in moſt ſolemne manner.

7. Anent the ſlaughter of the Erle of Murray, That he declare his greiſe and repentance for the ſame, and promiſe to make ane aſſythment to the pairtie, quhen the ſame may be convenientlie acceptit of, and vtter his forſaid repentance and greiſe therin, at the tyme of his publick ſatiſfactioun forſaid.

8. Forſameikle as be occaſioun of ſervice done to his Majeſtie in perſewing the ſaid Erle be force and vtherwayes, ſundrie in theſe parts hes incurrit his diſpleaſure and deadlie feid, that he be content to remove all theſe occaſiouns with ſuch convenient diligence as the ſaids Commiſſioners ſall think expedient.

9. For declaratioun of his affald adjoyning with vs, that he be content at thair ſichts, and advyce of his beſt diſpoſed freinds, to provyde ſufficient ſtipends for his kirks.

10. That he ſall acknowledge his faults, quherfor he was [juſtly] excommunicat, and eſpecially the burning of Dunibirſlie, and [his] apoſtaſie.

11. That he ſall have ane ordinar Miniſter reſident in his awin houſe continually :—

With power to them to conveine the 22 day of March inſtant, or ſooner if they can poſſiblie, and to conferre with the Erle of Huntlie, and reſolve him of the Articles forſaids, and to report his mynd and reſolutioun anent the ſame at the nixt Generall Aſſemblie, to be haldin at Dundie the 10 day of May nixt to come.

Anent the ſupplicatioun givin in be Dame Elizabeth Oliphant, Countes of Angus, making mentioun, That quher diverſe and frequent ſutes hes bein made be herſelfe and the remanent freinds of William, ſometymes Erle of Angus, deſyrand conference with certaine of the Miniſtrie, for his farther reſolutioun in the heids of Chriſtian Religioun, quhilk hes not tane ſo good ane effect as was lookit for, be reaſon of certaine impediments quhilk hes fallin out in the meanetyme; requeiſting, therfor, moſt earneſtly to appoint certaine of the wiſeſt brethren quher he maks his reſidence, to conferre and reſolve him of the doubts that ſtayes [him] from imbraceing of the true and Chriſtian Religioun publictlie profeſt within this realme: The Aſſemblie ordaines the Miniſtrie of Angus and Mernes to conferre with the Erle of Angus anent ſick doubts as he wald be reſolvit vpon; and ſpeciallie to conferre with him anent the Articles preceiding, quhervpon the Erle of Huntlie is ordainit to be tryed, exceptand only ſick as concernes the Erle of Murrayes ſlaughter; and to report his reſolutioun in the premiſſes to the nixt Generall Aſſemblie.

Anent the offers givin in be Francis, ſometymes Erle of Erroll, to the Generall Aſſemblie preſentlie conveinit at Perth, beirand as followes:

Firſt, I offer to abyde any juſt tryall of the alledgit traffiqueing againſt the religioun preſentlie profeſt within this countrey, indureing my abſence

off the countrey, and to make all ſufficient purgatioun to ȝour Wiſdomes for the ſame.

Farther, I offer all poſſible ſecuritie and catioun, in all tymes coming, nevir to traffique aganis the ſaid religioun, and that neither the ſaid religioun nor diſcipline therof ſall anywayes be hindred be me, bot have the ordinar courſe in my bounds, as in vther parts of the countrey.

And to declare my willingnes to be reſolvit in the ſaid religioun, I am content to accept conference therin, and requyres the ſame at ȝour Wiſdomes, quho hes the power, that ȝe will appoint ane or mae of ȝour number indifferentlie, as they ſalbe requyrit of me in the parts quher I preſentlie dwell, and hes the leaſure or occaſioun to reſort quher I ſall happin to be, to conferre with me vpon the haill contravertit heids, [that I may have inſtruction;] and if I ſalbe thereby movit, that the haill number of that Synod quher my reſidence is, will take the paines to conveine and meit me at ſome competent place, to hear and teſtifie of me. Indureing the quhilk tyme of conference, I ſall no wayes reſpect any Jeſuit, Seminarie Prieſt, or excommunicat perſon.

And if it ſall happin that I be reſolvit in the heids of contraverſie, I ſall vnfainedlie from my heart imbrace the ſaid religioun, and make publick confeſſioun therof in tyme comeing, and ſall make ſatiſfactioun for my defectioun from the ſame, as ſalbe injoynit.

Laſtlie, Deſyris to be abſolvit, or at leaſt ſuſpendit, from the ſentence of excommunicatioun indureing the tyme of my conference; ſo that none of my freinds that reſorts to me, and may be ſtedable to me be thair counſell, either in the ſaid conference or vthers my leiſum affairs, be troublit be ȝour cenſure therfor, bot may have ȝour licence to have acceſſe to me, and I to them, in quhatſoevir part of the countrey I ſall reſort; lykeas I have obtainit his Majeſties licence and charge to ȝour Wiſdomes to give me conference; quhilk it may pleaſe ȝou receive, and doe accordingly as ȝe wold give me argument of ȝour good intentioun towards my converſion; quherof I doubt not: and for the performing of the premiſſes ſall find catioun and ſovertie.

The Aſſemblie ordaines the Miniſtrie of Murray and Aberdeine, with the fyve Miniſters adjoynit to them, for conference with the Erle of Huntlie, to treat lykewayes with the [Erle of] Erroll anent the premiſſes, and to report to the nixt Generall Aſſemblie quhat reſolutioun they find in him concerning the Articles conteinit in thair commiſſioun direct for the

tryall of the Erle of Huntlie; exceptand alwayes ſick articles as concerns the ſlaughter of the Erle of Murray.

Farther, The Aſſemblie ordaines theſe Commiſſioners grantit for conference with the ſaids Erles of Angus, Huntlie, and Erroll, to be extendit to the Lairds of Newtoun and Bonytoune, in cace they offer themſelves to ſatiſfie the Kirk.

Attour, If it ſall happin the ſaid excommunicat perſons, or any of them, to reſort or repare to any vther part within this realme, the Generall Aſſemblie gives full power and commiſſioun to the Miniſtrie of the Preſbitries quher they ſall chance to reſort, to treat and conferre with them anent the heids and articles above wrytin.

Anent the ſupplicatioun givin in be Mr Johne Rutherfuird, deſyreing the proces of his deprivatioun led be the Preſbitrie of Sanct Androes to be produceit, ſein, and conſidderit be the Aſſemblie: The Aſſemblie ordaines the ſaid Preſbitrie to produce the ſaid proceſs at the nixt Generall Aſſemblie, and ther to anſuer to the ſaid Mr Johne his complaint givin in againſt them.

Certaine Petitiouns given in be the Miniſtrie preſentlie conveinit, [to be preſented] to the Kings Majeſtie.

It is humblie craveit be this preſent Aſſemblie, that ȝour Majeſtie, with advyce of the Eſtates preſentlie conveinit, conſiddering how it hes pleaſed God to give a good ſucceſſe to this preſent Conventioun, and that all things concludit herein tends to the peace and quyetnes of the haill Eſtate of this countrey, and the diſſappointing of the expectatioun of the adverſaries, will, with advyce forſaids, publiſh be opin proclamatioun the good ſucceſſe of this preſent Conventioun, together with a declaratioun of ȝour Majeſties intentioun, vtterit be ȝourſelfe at this tyme in prefence of ȝour Eſtates, declaring ȝour good will to mantaine the true religioun preſentlie profeſt within ȝour countrey, the diſcipline adjoynit therto, and the Miniſters to quhom the charge of the ſame is comittit; and to declare that ȝour Majeſties will is, that quhatſoevir law, act, or proclamatioun hes bein made, prejudiciall to the ſame, ſalbe eſteimit contrair to ȝour Majeſties meaning, and to have no force nor effect in no tyme heirafter; and that nane of ȝour ſubiects pretend, be any colour therof, to trouble any of the ſaids

Miniſters, but that they wilbe vnder zour Majeſties protectioun; and that he will eſteime the contraveiners, troublers of zour eſtate, and puniſh them accordinglie.

2. That all Papiſts, Jeſuits, and excommunicats remaining within this countrey, be chargeit to paſſe aff the ſame, betuixt and the firſt of May nixt to come, or els to ſatiſfie the Kirk: and if they doe not the ſame befor the day appointit, that Sheriffis in ſhyres, Proveſts and Bailzies in townes, be commandit to apprehend and preſent them before his Majeſtie and Counſell, to be puniſchit according to the law; and if they be negligent in apprehending them, that commiſſioun be givin to certaine moſt zealous and willing perſons to doe the ſame.

3. That it may pleaſe zour Majeſtie, according to zour accuſtomit clemencie, to relaxe preſentlie the Miniſters of Edinburgh from the horne, and ſuffer them [peaceablie] to returne and remaine within this realme; as alſo to releive and ſett at friedome ſick gentlemen and profeſſours of religioun as now are vnder challenge, ſeeing zour Majeſtie knowis that the love to religioun movit them to theſe things quherwith they are now burdenit.

4. That ſeeing that Edenburgh has that honour to be cheiſe burgh in this countrey, and that place quherin religioun, ſince the beginning, hes bein moſt flouriſhing, and now are both deſtitute of thair awin Miniſters, and ſicklyke callit, from tyme to tyme, before zour Majeſtie, quhilk is no ſmall greife to thair hearts, in reſpect that zour Majeſtie knowes the greateſt part of the haill towne are moſt willing to give zour Majeſtie all obedience, and to hazard lyfe and ſubſtance for zour Majeſties ſtanding, That it may pleaſe zour Majeſtie favourablie to deale with them according to zour accuſtomit gentlenes, that it may appeir that zour Majeſtie is more inclynit to ſhew favour to men that meanes [uprightlie] to zour Hienes then to Papiſts. We are movit to crave the ſame, that all zour ſubiects may ſie a generall aggriement.

5. That it may pleaſe zour Majeſtie, ſeeing Mr David Black hes obeyit ſick things as was injoynit to him, to give him libertie to returne to his flock; and ſicklyk to Mr John Welch and to Mr John Hewiſone.

6. Becauſe diverſe complaints of hurting and mutilating of Miniſters are givin in before vs, namely

We moſt humblie crave that zour Majeſtie wald take ſome ſubſtantiall ordour for puniſhing the offenders in example of all vthers heiraſter.

7. That provision be made for planting of kirks, and that the augmentatiouns and planting of new kirks, made in anno 1595, be allowit.

Follows his Majesties Answers to the said [Petitions and] Articles.

The first article is grantit in substance.

The second is also grantit.

As to the third, [and first part thereof,] concerning the Ministers of Edenburgh, They are ordained to be relaxit vpon cautioun to be found be them to the Justice Clerk, that they sall vnderly the law. As to the gentlemen for quhom the Assemblie makes requeist, His Majestie thinks good that they, be the mediation of thair freinds, be suters for themselves.

And as to the fourth, touching the towne of Edenburgh, His Majestie mynds no wayes to trouble innocent men, bot sick only as are guiltie, and mynds shortlie to be at point with them.

Twitching the invasioun of the Ministers, a Commissioun is [ordainit to be] directit for calling and punishing the offenders.

Concerning the last article, his Majestie ordaines the Treasurer, Mr James Elphingstoun, the Clerk Register, Mr Johne Prestoun, and Mr Edward Bruce, to take ordour, asweill for the planting of kirks, as with the augmentatiouns quhilk were grantit anno 1595.

[The Kings Preface to the reader before the printed Queſtions, declaring what was his intention in moving of ſo many queſtions anent the Diſcipline. The tenor whereof followeth.

To the Reader.

For as much as it is one of the principal points of the office of a Chriſtian King to ſee God rightly honoured in his land; for effectuating whereof it is neceſſar, that the Spiritual office bearers in the Kirk not only teach ſound doctrine, concerning the points of ſalvation; but lykways obſerve a comely order in the Spiritual Policy agreeing with the Word of God, the loveable cuſtome of the primitive Kirk, and with the lawes of the countrey, and nature of the people, for repreſſing the vices, whereto they are chiefly inclined, as beſt may ſerve to eſtabliſh and maintain the purity of religion: Therefore it becomes every Chriſtian King, as fathers, nouriſhers of the Kirk within their dominions, and revengers of the breaches of both the tables, to ſtrengthen and aſſiſt, be the concurrence of their civil ſword, the ſaid Spiritual office bearers in the due execution of their calling: and, on the other part, to compell them to exerciſe faithfully their office, according to the rule preſcribed to them be the Word of God; not ſuffering them to tranſgreſs the limits thereof in any ſort: Wee, therefore, having had due conſideration hereof, and perceiving not only a great liberty uſed in application of the doctrine within our countrey, without any clear warrant of the Scripture as yet alledged, for proving of the ſame; as alſo a great obſcurity in divers points of Diſcipline and Policy of the Kirk; novelties daily creeping in; the lawful authorities and warrants thereof not being as yet made manifeſt; have thought, comely following the loveable exemple of Chriſtian Emperours of the primitive Kirk, to conveen and aſſemble a National Council, as well of the Miniſtry, as of our Eſtates, and of all ſorts of men of deepeſt learning and greateſt ſincerity in religion; to be holden and to beginne to ſit in our burgh of Perth the laſt of Februar next to

come; gravely to treat, reaſon, conſult, and determine, (according to the Word of God, as the only rule,) upon the clearing and diſtinguiſhing of the Spiritual Juriſdiction, as well in the application of doctrine, as in the whole Policie and Government of the Houſe of God. And to the effect that all men may come the better prepared to the ſaid Convention, being duely forewarned, and adviſed with the matters that then are to be traited on, Wee have thought good to ſet doun certain Articles thereof, in form of Queſtions, as hereafter followeth; taking God, the ſearcher of all hearts, to record, that our intention in this, is no wayes to trouble the reſt and peace of the Kirk by thorny queſtions, or to claim any tyrannical and unlawful government over the ſame, but only to ſee all ſuch troublefome queſtions ſolved at this tyme; which, if they ſtill remained in doubt, might, either in our time, or in the time of our ſucceſſors, bread ſlanderous debates: and that the Policy of the Kirk be ſo cleared, as all corruptions may be weeded out of the ſame, and none ſuffered hereafter to creep in; that thereby the glory of God may be advanced, all grounds of farther Queſtions betwixt us and the Miniſtry may be removed, and a pleaſant harmony and mutual concurrence between us may be eſtabliſhed, to the great comfort of all good men, and terrour of the wicked. C.]

[The Queſtiouns proponed be the King, to be reſolved at the Conventioun of the Eſtaits and Generall Aſſemblie, appointed to be at brouche of Perthe, the laſt of Februar.

Q. 1. May nocht the maters of the externall gubernation of the Kirk be diſputed, ſalua fide et religione.

Q. 2. Is it the King ſeueralie, or the paſtorſeueralie, or bathe coniunctlie, that ſould eſtabliſhe the Actes anent the externall gouernment of the Kirk, or what is the form of thair coniunction to mak lawes.

Q. 3. Is nocht the conſent of the maiſt part of the flock, and alſo of the Patron, neceſſar in the electioun of the Paſtors.

Q. 4. Is it laufull for the Paſtor to leaue his flock againſt thair willes, albeit he haue the conſent of the Preſbyterie; and for what cauſe ſould the Preſbyterie conſent therto.

Q. 5. Is it lawfull for a Miniſter to vſe farder applicatioun nor that quhilk may edifie his awin flock; or is the haill warld the flock of euerie particular Paſtor.

Q. 6. Is he a laufull Paſtor, who wants impoſitionem manuum.

Q. 7. Is it laufull to Paſtors to expreſs particular mens names, Counſallis, or Magiſtrats in pulpit, or ſo viulie to deſcryue tham, that the peiple may vnderſtand whom be they mein, without notorius declarit vices and priuat admonitions preceiding.

Q. 8. For quhilk vyces ſould admonitiones and reprouing of Magiſtrats pas publictlie from pulpits in their abſence or preſence, reſpectiué.

Q. 9. Is the application of doctrine in pulpits lauchfull quhilk is foundit vpon informatiouns, bruits, and rumors, ſuſpitions, conditions gif this be and that be, probabilities, liklines or vnliklines in things to come in ciuill maters, quhilk all may be fals, and conſequentlie the doctrine following thervpon; or ſould all applicatioun be vpon the veritie of knawin and notorius vyces.

Q. 10. Is the text, quhilk is read in the pulpits, the ground wherupon all the doctrine ſould be buildit, or may all things be ſpokin vpon all texts, ſo that the reiding therof is bot a ceremonie.

Q. 11. May a ſimple Paſtor exerceiſe anie iuriſdictioun but conſent of the maiſt part of his particular ſeſſioun.

Q. 12. Is nocht his ſeſſioun iudge to his doctrine.

Q. 13. Sould nocht the Moderator of the Seſſion be choſin yierlie of anie who has vot therin.

Q. 14. May the Seſſioun be laufullie elected by Miniſters onlie, but the conſent of the haill congregatioun.

Q. 15. Why ſould nocht Eldars and Deacones of ilk particular Seſſioun be elected ad vitam.

Q. 16. How manie Preſbyteries is meit to be in the haill countrie, in what places, and whow manie Paſtors of Kirk in ilk Preſbyterie.

Q. 17. Sould nocht the Eldars and Deacons of ilk particular Seſſioun, haue vot in the Preſbyteries, or the Paſtors only.

Q. 18. What is the maters of the iuriſdiction of the Preſbyterie, quhilk may nocht be intreated in particular Seſſions.

Q. 19. What form of proceſs in libelling and citation, termes and dyattes, probation and pronuncing of the ſentence, ſould be vſit befor the particular Seſſiouns and Preſbyteries reſpectiué.

Q. 20. What maters ſould the Synod intreat vpon, quhilk may nocht be decydit in the Preſbyteries.

Q. 21. Sould nocht all wha hes vot in the Presbyteries, and als in the particular Sessions, have vot in the Synodall Assemblies.

Q. 22. Sould ilk Vniuersitie or ilk Collage, or ilk Master or Regent within ilk Collage, haue vot in the Presbyteries or Synodals in the towns or countries whar they ar; and sic lyk, what form of vot sould they haue in the Generall Assemblies.

Q. 23. Is it lesum to conuocat the Generall Assemblie by his Maiesties licence, he being pius et Christianus Magistratus.

Q. 24. Is it necessar that the Generall Assemblie be ordinar, or onlie extraordinarlie conuened for waightie causes concerning the Kirk.

Q. 25. Hes nocht all men of guid lerning and religion vot in the Generall Assembly.

Q. 26. Is ilk particular Pastor oblesit to repear to the Generall Assemblie, or is it sufficient that onlie Commissioners com fra ilk particular Sessioun, Presbyterie, or Synodall.

Q. 27. Wha sould chuse the Commissionars to cum fra ilk schyre to vot in the Generall Assemblie.

Q. 28. Quhat is the number of votters necessar to the lawfulnes of the Generall Assemblie, and whow manie of the haill number sould be Pastors, and how manie vther men.

Q. 29. May anie thing be acted in the Assemblie to the quhilk his Maiestie consents nocht.

Q. 30. Is it nocht expedient that the twa part of them, wha hes ius suffragii, sould consent to anie thing decernit in ecclesiasticall iudgment, that matters pas nocht be a vot ma or les.

Q. 31. Hes nocht ilk Iudgment inferior to the Generall Assemblie an territor limitat, outwith the quhilk they haue no powar of citation or iurisdiction.

Q. 32. What is the ordinar ecclesiasticall Iudgment to the discipline of his Maiesties houshold and Counsall, remouable with his Maiestie to anie part of the realme.

Q. 33. Sould thair be libellit precepts conteining the cause of the citation and certificatioun of the censures befor all ecclesiasticall Iudgments, or onlie till answer super inquirendis.

Q. 34. Hes the inferior Iudgment powar to summond to compeir befor anie superior Judgment, or sould men be summoned onlie be the authoritie of that Iudgment befor quhilk they sould compeir.

Q. 35. Is it nocht neceſſar that priuat admonitionnes, with reaſonable interualles of tym, pas befor all maner of citationnes.

Q. 36. What interualles of tym is neceſſar betwix priuat admonitioun, and betwix the laſt admonition and the firſt citation, and betwix the citation and the day of compeirance befor ilk an of the ſaid judgments.

Q. 37. Whow manie citatiounes ſould infer contumacie.

Q. 38. Is ſimple contumacie, but probation of a cryme, or is anie cryme but contumacie, ſufficient cauſe of excommunication.

Q. 39. Is ther nocht diuers kynds of cenſures, ſic as prohibitio priuati convictus, interdictio a cœna, nocht publiſhed to the peiple; and laſt of all, publica traditio Satanae.

Q. 40. Sould the Preſbyteries be iudges of all things that imports ſklander; and gif ſa be, wharof are they nocht iudges.

Q. 41. Can excommunication be vſed againſt theiffis, murderars, vſurars, or nocht peyars of thair dettes; and if ſa it may be, why ar nocht all Bordour and Hieland theiffis curſed; as als all the manſwering merchants and occurrars amongs the burrowes.

Q. 42. Is ther any appellation fra the inferiour to the ſuperior iudgment; and is nocht the ſentence ſuſpendit during the appellation.

Q. 43. Sould nocht all proceſs and actes be extracted to parties hauand intereſt.

Q. 44. Is ſummar excommunication lauchfull in anie cace, but admonitiounes and citationnes preceiding.

Q. 45. Hes anie vther nor the Paſtors of the Kirk vott in excommunication.

Q. 46. Hes ilk eccleſiaſticall Iudgment a lik power to excommunicat.

Q. 47. Is it lawfull till excommunicat ſik Papiſts as profeſſit neuer our religion.

Q. 48. A woman being excommunicat, hauing a faithfull houſband therefter, ſould he abſtein from hir companie.

Q. 49. Is it nocht reaſonable, that befor anie letters of horning be granted be the Seſſion vpon the proceſs of excommunication, that the partie ſould be ſummoned to heir tham granted.

Q. 50. Hes nocht a Chriſtian King powar to annull an notorius iniuſt ſentence of excommunication.

Q. 51. May anie Counſall or Vniuerſitie be excommunicat, for what cauſe, whom be, and maner therof.

Q. 52. When the Paſtors does nocht thair dewtie, or when a iuriſdiction vſurpes aboue an vther, or anie vther ſchiſme falles out, ſould nocht a Chriſtian King mend ſic diſorders.

Q. 53. May faſtes, for generall cauſes, be proclamed be a Chriſtian Prince command.

Q. 54. May onie eccleſiaſticall Iudgment compell a man to ſwear in ſuam turpitudinem.

Q. 55. Sould ther onie thing be intreated in the eccleſiaſticall Iudgment, preiudiciall to the ciuill iuriſdiction or priuat mens rights; and may nocht the ciuill Magiſtrat lauchfullie ſtay all ſic procedings. [C. & Melvill's Diary.]

[Inſtructions givin be the Synod of the Prouince of Fyff to the Commiſſionars, to be choſine by euerie Preſbyterie within the ſaid Synod, to go to the Conventioun appointed be his Maieſtie at Perth: The quhilk the ſaid Synod ordeanit tham and euerie an of tham preceiſlie to keipe.

Firſt, Yie ſall ſchaw that yie are com for obedience to his Maieſtie, and nocht for that yie acknawlage that to be a lawfull Generall Aſſemblie, be reaſone it was nocht appointed be the laſt Generall, nor convocat be the advys of the Commiſſionars of the laſt Generall Aſſemblie, as hes bein the practiſe of the Kirk at all tymes befor within this realme, warranted be the Word of God and lawes of the countrey.

Item, Yie ſall ſchaw that yie may nocht condiſend in anie wayes to the reaſoning or putting in queſtioun the maters of the Polecie of the Kirk; becauſe the Generall Kirk of this realme, to quhilk yie ar ſubiect, hes alreadie determined the ſaming; quhilk determinatioun yie haue alſo ſubſcryvit vnto, and nan may call the ſam in dout, and put tham in reaſoning, but a Generall Aſſemblie: Therfor yie ſall deſyre his Maieſtie, in all humilitie, for continuation of the reaſſoning to the ordinar aſſigned Generall Aſſemblie, to be haldin at Sanct Androus the xxvj of Apryll nixtocome.

Item, Gif na continuatioun can be obteined, and yie ar vrged to proceide, yie ſall proteſt for the liberties of the Kirk, and planlie diſaſſenting, keipe yourſelffs frie of euerie thing that ſalbe done theranent.

Item, Becauſe the Conventioun is appointed be his Maieſtie onlie for the

queſtionnes, yie ſall nocht mell in anie maner of way withe the receaving of Hountlie or vther excommunicats, or anie vther thing remitted from Synodall, or Preſbyteries, or properlie belanging to a Generall Aſſemblie.

Item, In cais the brethring amang thamſelues, or his Maieſtie, or anie of his Counſall, enter in reaſoning with yow, or anie of yow in privat, that ye hauld faſt be thir generall grounds.

1. That the haill externall government of the Kirk mon be tean out of the Word of God.

2. That the ordinar Paſtors and Doctors of the Kirk mon ſchaw the will of God out of his Word; and that onlie to be followed.

3. That the Paſtors and Doctors of the Kirk of Scotland hes, with lang and graue deliberatioun, ſett down and conſtitut the haill externall diſcipline and government of the Kirk; according to the quhilk it hes bein thir manie yeirs ſa happelie governit and rewlit, that na hereſie, ſchiſme, or diſſentioun hes haid place therin vnto this houre; and that ther is nan beiring office in the Kirk, who calles the ſam in dout. It wald, therfor, pleis his Maieſtie nocht to ſuffer the rair and maiſt peaceable and decent conſtitutioun therof to be diſturbit be exagitating of fruictles queſtionnes, namlie at this tyme, quhen Papiſts preaſſes, be that mean of diſputatioun namlie, to brangle and pervert all.

Item, Yie ſall trauell with the Miniſters, Barronnes, and Noblemen, that ſall happin thair to be conveinit, that an vniform ſupplicatioun may be maid and giffen in for reſtoring of the Miniſters of Edinburche, and Mr Dauid Blak again to thair flockes; and behave yourſelves heirin, in the feir of God and loue of Chryſt and his kingdom, faithfullie and providentlie, with all dewtifull reuerence to the Kings Maieſtie. [C. & Melvill's Diary.]

[The Preſbytrie of Edinburgh being in jealouſy lykways of the Kings proceedings, limited their Commiſſioners in forme, as followeth.

The form of Commiſſion givin to the Commiſſioners of the Preſbytrie of Edinburgh.

For as much as his Majeſtie has appointed a Generall Aſſembly of the Miniſtry to conveen at Perth, the laſt of Februar inſtant; and to that effect, his Hienes has directed letters miſſives to divers Preſbytries within this realme; and among others to the brethren of the Preſbytrie of Edinburgh, willing and deſiring them to addreſs two or three of the wiſeſt and moſt

discreet brethren of their number to the said Assembly, against the said day and place, instructed with commission, and their best advyce and opinion in matters touching the Policy of the Kirk, as the same bears: The brethren, therefore, of the said Presbytrie, to witness their humble obedience to his Majestie as to their Soveraign, have directed, lykeas be these presents direct, their well beloved Mr David Lindsay, Mr Patrick Galloway, John Duncanson, Ministers, with power to them to conveen and assemble themselves with the Commissioners of other Presbyteries, that shall happen there to be conveened, to hear and see what sall be proponed anent the treating of the difference of the Civil and Ecclesiastical Judgements, and matters concerning the Policy of the Kirk, and external government thereof, and to report to them; but no wise to proceed in reasoning, voting, or concluding any thing, which may be prejudicial to the Constitutions of the General Kirk, anent the said matters; and to deal therein according to the instructions given in write, and no otherwise. To all which wee give the brethren foresaid our power and commission, promising to hold firm and stable &c.

Subscribed be the Clerk of the Presbytrie.

Instructions to the Brethren.

1. Ye shall shew, that ye are come for obedience to his Majestie, and not for that ye acknowledge this to be a lawfull Assembly, be reason it is not appointed be the last General, nor conveened be the Commissioners of the last General Assembly, as has been the practise of the Kirk, at all tymes before, in this country.

2. Ye shall shew, that ye may not condescend any way to the reasoning of the matters of the Policy, because the General Assembly, to which ye are subject, has already determined the same; which determinations ye have also subscribed unto; and none may call the same in doubt, or put them in reasoning, but the General itself: Therefore ye shall desire his Majestie, in all humility, for a continuation of the reasoning till the ordinary Assembly, which is to be in Sanct Andrews, in the month of Aprile next to come.

3. If no continuation can be had, and ye be urged to proceed, ye shall protest for the liberties of the Kirk, and keep yourselves always free of every thing, that shall be done thereanent.

4. Becauſe this Aſſembly is conveened be his Majeſtie, only for thir differences, ye ſhall not medle in any manner with Huntlies receiving, or any other thing properly pertaining to the General.

5. Laſt, Ye ſhall travel with the Miniſtrie, Barons, and Noblemen, that ſhall happen there to be conveened, that an uniforme ſupplication may be made for reſtoring the Miniſters of Edinburgh to their flocks; and to behave yourſelves herein prudently, as accords. C.]

[Upon the 27 of Aprile, Mr Robert Pont, Moderator of the laſt Generall Aſſembly ordinar, went to Sanct Andrews of purpoſe to keep the dyet appointed be the laſt Generall. Few or none conveened, but ſome few Commiſſioners out of Lothian, Perth, Stirline, and out of the Synod of Fife. They conveened in the New College School, the place appointed for the ſaid Aſſembly. After in calling on the name of God, and humble confeſſion of the ſins which had procured that deſolation, craved mercy, and fenced the Aſſembly. Notes and documents of proteſtation were taken for the liberty of the Kirk. All ſummonds, references, appellations were continued till the Aſſembly following. The exhortation of the Moderator was lykeways continued to that day. C.]

A. D. M D.XCVII.

The Generall Aſſemblie, halden at Dundie the 10 day of May 1597, in the Litle Kirk.

Seſſio 1a.

Exhortation beand made be Mr Robert Pont, laſt Moderatour, the brethren appointit on the leits Mrs Nicoll Dalgleiſh, James Melvill, Patrick Simſone, Patrick Sharp, Thomas Buchannan, Johne Porterſeild, Robert Rollock, James Balfour, David Fergufone, and David Lindſay: be pluralitie of vottis Mr Robert Rollock was elected Moderatour hac vice.

Seſſio 2a.

Mr Thomas Nicolſone, and Johne Williamſone, Writer, beand put on leits for the Clerkſhip, vaikand be the deceis of Mr James Ritchie; be pluralitie of votis, Mr Thomas Nicolſone, Advocat, was choſin, ſworne, and admittit.

Seſſio 3a.

[Alſo it was ordainit, That at the penning of every Act, there ſhould be certain diſcreit and wiſe brethren, with the Clerk, to ſee the Acts formed;

of which number were Mr James Melvil and Mr James Nicolſon; but when Mr James Melvil came to attend, they were commanded to come to the King with the minuts: So he got not acceſs again.

It was alſo ordained, That all the Acts ſhould be read in audience of the haill Aſſemblie, before the diſſolving of the ſame; and therafter to be inbookit and regiſtrat. C. & B.]

[It was ſhewed to the Aſſembly, how the Kings Articles paſt at Sanct Johnſtoun; but no remedy: Howbeit, a great number of the ſincereſt ſort did their part honeſtly.

Mr John Davidſons letter to the Aſſembly was read in the third Seſſion, the copy whereof followeth.

Gal. 5. Stand faſt therefore in that liberty wherewith Chriſt has made us free; and be not intangled again with the yock of bondage.

As infirmity of body hindered my preſence from this Aſſembly, (Reverend and loving brethren,) ſo ſtraitneſs of time ſuffereth me not to ſupply my abſence be writt, as I would: yet ſeeing duty craved ſomewhat in this caſe, at ſo neceſſary a tyme, I abridged a few things to call to your godly rememberance; beſeeking you all to take them in good part, as they come of a loving mind to Chriſts cauſe and weale to his Kirk. It is not unknown to you, (dear brethren,) that the unity and the liberty in the ſincerity of doctrine, has been, and is to this day, the roſe garland of the Kirk of Scotland; and that the preſervation of this unity and liberty in doctrine, come of the agreement in the liberty of the execution of diſcipline, which has been the hedge and bulwark, as it were, to the doctrine hitherto: Therefore the invaſion of the freedom of diſcipline cannot be without enſueing danger to the liberty and unity of doctrine, no more than Edinburgh can be long free of fear of perrill, if invaſion of the borders be not reſiſted at the borders. And it may well be thought, that the preſervation of the liberty and unity in diſcipline, was ſaved be the wiſe wearing off thornie queſtions thereanent, by wiſe foreſight of our worthie fathers and brethren, who ranged the queſtions in the General Aſſembly to allow the tyme and place therof, that the heat therof ſhould not burſt out at the beginning, and ſo diſturb the whole action. Beſides this, theſe queſtions

were limited to come by degrees from other inferior Affemblies, who were not able to folve them; and not to break in at the broad fide. And laft, if they were queftiouns of weight, they were remitted from one Affembly, to be ripely advifed on by the brethren, to the nixt Affembly, for avoiding of contention and rafh conclufions. Which good cuftome, if it had not been keeped, our liberty and unity could not have ftood, as two loving fifters, to this day; for where queftions get over great liberty, godly edifying is excluded, as miferable experience teacheth among the Popifh fchoolmen. They breed ftrife, as the Apoftle writes; and the beginning of ftrife is, as one that openeth waters: wherefor, ere contention beginne, let us leave of, as Solomon faith. Neither is it about mere externall things, or alterable, as men fpeak, that the chief queftion is now a day; howbeit, queftions, even in thefe matters, as is faid, are warrilie to be admitted; for as that ancient Father gives out, Facilius eft conftituta labefactare, quam labefactata in priftinum ftatum reducere: But it is about a fubftantiall part of doctrine, to wit, rebuke of vice, and that manifeft, open, and obftinat vice, that groweth to fuch great hight, as it would be licentiat be lawes, with imprifonment and bondage of the liberty of the truth, as all that are not wilfully blind, may eafily fee; for the which truth, and liberty therof, wee are bound to ftrive: Therefore, let us ftand faft in that liberty, wherewith Chrift, in that cafe, has made us free above all nations; and let us not agree with men in thefe things, quæ concordiam prorfus excludunt. Nefarie quidem impieque concordes erant, qui turrim extruebant. Nanzianzenus. And let libido novandi circa ecclefiam be far, at the left, from ourfelves of the Miniftry; as in fenfe the fame Author hath. Many things hath our Kirk need of at this time, meeter to be handled, than fuch queftions. Neither has our Prince, (God be praifed,) occafion to conveen us, for making agreement and concord among us, as the good Emperours had. And as for things to be reformed for the well of the Kirk, I hear no word of them. I pray, Satan's drift be not to break our agreement, that hath ftood fo long in Chrift: For it is delivered be an ancient Father in this fenfe, Nam tyranni Ecclefiam infectando, firmiorem etiam ipfam reddiderunt, &c. Quod cum verfipellis ille animadvertiffet, aliam fraudem excogitavit, inimicitiafque et funefta difidia inter duces (Antiftites) ipfos excitavit. And Bafil giving the caufe of this plague, writeth in this fenfe, Diffentio multorum contra multos ex eo contingit, quod indignos nos ipfos gubernatione et moderamine Domini conftituimus. Wherfor, brethren, let us ftand faft in our Chriftian

liberty and unity, et abſit, ut inter nos triſti contentione (as one writes) decertemus. But if the tyme be come, that the ſentence of the Apoſtle is to be performed, Oportet enim, etiam hæreſes inter vos eſſe, we doubt not but, Qui probati ſunt, manifeſti fient inter nos. And if any act ſhall paſs (as God forbid) in contraire anie jote of your Chriſtian liberty, agreable to Gods word, and the laws of the realme, I, in my own name, and the reſt of Chryſts faithfull Meſſengers within this realm, will ſtand, be Gods grace, to the proteſtation made verbaly be me, in his Majeſties preſence, at the laſt General Aſſembly holden at Edinburgh: for it will not be the new cords of the Philiſtins, that will keep Sampſon bound. Howbeit Moſes would not leave behind him ne ungulam quidem, he was not for that a ſhiſmatick. And Elias was no troubler of Iſrael. Haec, θρασιως μεν ισως και αμαθως. Yet I truſt the good brethren will take my ſimple meaning in good part. Farewell, good brethren: and the good Spirit of the Lord be preſident among yow. Amen. From Saltpreſtoun, the 8th of May 1597.

Your loving brother in Chriſt,
JOHN DAVIDSON.

My ſimple advice is, if any grant of abſolving from excommunication be made, as I know no cauſe yet why; yet if others know, that they get annum probationis injoyned to them before they be admitted to Court, or have acceſs to ſit at the helme: for though they have Jacobs voice, yet I fear, Eſaues hands. But it is objected, that this matter will be troubleſome to us, if we ſtand to it: Anſwer, It is a new doctrine to ſay, That Chriſtians be without a croſs.

Seſſio 4a.

Anent the ſupplicatioun givin in be the Laird of Wachtoun, and Glennagies, deſyrand a command to be givin to Mr William Murray, Miniſter at Dyſert, to ſett in tak and aſſedatioun to them or thair tennents thair teynds of thair awin lands, lyand within the parochin of Dyſert; or els, for eſchewing of farder danger, to retaine the ſaids teinds in his awin hand: The Aſſemblie ordaines the ſaid Mr William to retaine the ſaids

teinds in his awin hand; difcharging him of all fetting of the fame to any perfon quhatfumevir, vnder the paines conteinit in the acts of the Generall Affemblie.

Anent the fupplicatioun givin in be the Prefbytrie of Dumbartan, defyrand, in refpect of the fewnes of thair number, that certaine of the Prefbytrie of Paiflay might be adjoynit to them, to the effect they might be the more able to awaite vpon the commoun affaires, pertaining to the glory of God and weill of the Kirk: The Affemblie ordaines a commiffioun to be direct for vifitatioun of the haill Prefbytries within the bounds of Clidsdaill, Ranfrew, and Lennox, with power to them to confidder how many Prefbytries falbe neceffar within the faids bounds, and to fett downe a folid ordour theranent.

Anent the complaint givin in be the Prefbytrie of Brechin aganis Mr Dowgall Campbell, Minifter of Fernewell, for his obftinacie in refufeing to pronounce the fentence of excommunication aganis Patrick Butter at command of the faid Prefbytrie, he being Moderatour thereof for the tyme; for the quhilk they had fufpendit him from preiching the Word vnto this Affemblie: The Generall Affemblie ratifies and allowes the faid fufpenfioun.

Seffio 6a.

The brethren of the Prefbytries of Murray, Aberdein, and Mernes, with the vther brethren joynit with them in commiffioun joyntlie, refpectivé appointit be the laft Generall Affemblie haldin at Perth, for tryall of the obedience of the Erles of Angus, Huntlie, and Erroll, to the particular injunctiouns fett downe be the faid Affemblie, and injoinit to them for declaratioun of thair repentance, being defyrit be the Generall Affemblie to report what refolutioun they fand in the faids Lords, tuiching fick articles and conditiouns as were fett downe in the faid commiffioun, They being prefent befor the haill Affemblie teftified and declared, that they fand them obedient and willing to fatiffie in all humble manner, and perfevering and continuing in thair earneft fute for reconciliation with the Kirk: And as concerning the faids articles and conditiouns, quhervpon the faids Commiffioners were ordainit to have tryed and refolvit them, the faids Commiffioners, every ane for thair awin parts refpectivé, produceit the faid ar-

ticles and conditiouns, with full anſuers to every ane of them particularlie ſubſequent made be the ſaids Lords, offering to acquieſce to the ſaids conditiouns, and to fulfill the ſame: And for more declaratioun of thair conſents therto, the ſaids articles and anſuers therto particularly following every ane of them were ſubſcryvit ſeverally be the ſaids Lords, in ſigne and tokin of thair embraceing therof, as followes:

The Erle of Huntlies anſuers to the Articles.

The firſt is obeyit: For he compeirit [at Aberdeen] the 22 of Marche appointit to him, and ther abode, [waiting] on doctrine and conference, till the Commiſſioners were ſatiſfied with his reſolutioun; and ſo the conference endit.

2. The brethren appointit to deale with him, brocht him, after lang conference, to confeſſe [the verity of] the haill grounds of religioun affirmativé; reſolvit his doubts be the Word of God; and moveit him with knowledge to refuſe and deteſt all heids of Papiſtrie contrair to the ſame.

3. He acknowledges the Reformit Kirk of Scotland to be the true Kirk: he is ready to joyne himſelfe efaldlie therto, acknowledging himſelfe a member therof, ſubmitting himſelfe to the ſame; will heare the Word, and obey the ſame be the grace of God; participat the ſacraments; and obey the haill diſcipline [of the Kirk,] as it is allowit be the Kings Majeſtie and Eſtates.

4. He is readie to ſweare and ſubſcrive the Confeſſioun of Faith in preſence of the haill Commiſſioners, ſo ſoone as they ſall come back with power to pronounce his abſolutioun.

5. In ſignificatioun of his obedience to the articles, he hes declarit to the haill commiſſioners, that ſen he entrit in dealing with the Kirk, he never intercommunit be word or wryte with any Jeſuite, Prieſt, or excommunicat Papiſt, except ſo many as are vnder conference with the Kirk; and is content to abyde thereat in all tymes coming: Sicklyke he is content to give his wrytin band, that he ſall baniſch and expell out of his [company and] haill bounds all Jeſuites and Seminarie Preiſts, and ſall expell therefrom all excommunicat Papiſts, except ſuch as ſall have licence from the Kirk and Kings Majeſtie: and, finallie, that none ſall have recept be his

knowledge, in the places of his commandement, that are profeſt enemies to the religioun.

6. He is content now, or heirafter, to ſatiſfie for his apoſtaſie, in the place appointit, at the diſcretioun of the ſaids Commiſſioners; and then to ratifie the forſaids premiſſes.

7. He declares his vnfained greife for the ſlaughter of the Erle of Murray, and will ſatiſfie the pairtie at the pleaſure of the Kings Majeſtie, the Kirk, or of godlie and indifferent freinds, will make offers to that effect; lykeas he hes given a blank to his Majeſtie to be fillit vp with particular aſſythment, and that after his abſolutioun.

8. He promiſes now, or heirafter, to crave of God mercie for the ſaid ſlaughter, quhen, quher, or how the Kirks Commiſſioners ſall appoint.

9. At the deſyre of the ſaids Commiſſioners, he preſentlie remitts all rancour and malice conceivit be him, for any occaſſioun or deid offerit to him be the countreymen in the Kings ſervice; and promitts, vpon his fidelitie, nevir to quarrell any for the ſame that are within thir bounds, and ſpeciallie none of the Miniſtrie either north or ſouth.

10. He aggries, that at the ſicht of the Miniſters Mrs David Cunighame, Alexander Dowglaſs, George Glaidſtances, and of his freinds Pitlurge, Clunie ſall ſett downe ane ordour for proviſioun of his kirks, quhilk he promiſes to execute immediatlie after his abſolutioun.

11. Be advyce of the ſaids Commiſſioners, he promitts to take a Miniſter, and intertaine him in his awin houſe.

12. He confeſſes, that be his publick offences he gave ſufficient matter to the Kirk to have deduceit the ſentence of excommunicatioun aganis him.

Sic ſubſcribitur,

HUNTLIE.

The Erle of Errolls anſuers to the Articles.

1. The firſt is obeyit: For he having ſufficientlie excuſeit his abſence fra the firſt dyett, the 27 of Marche, came to Aberdein, the fyft of Aprile, quher the Commiſſioners appointit him to reſort to Aberdein, about the 20 day of Apryle, to have conference with ſuch of thair number as they appointit to meit him ther; quhilk he did, comeing in the towne the 20 of

Apryle, and ther abode, reſorting to publick doctrine and conference till the Commiſſioners were ſatiſfied with his reſolutioun; and ſo the conference was endit.

2. The brethren appointit to deale with him, after long reaſoning, brocht him to confeſſe the veritie and whole grounds of religioun affirmatívé, reſolvit his doubts be the Word of God, and ancient Doctours; and movit him, with knowledge, to refuſe all heids of errour in Papiſtrie, contrair to the ſame.

3. He acknowledgis the reformit Kirk of Scotland to be the true Kirk. He is ready to joyne himſelfe therto, and profeſſes himſelfe a member therof; will heare the Word, obey the ſame be the grace of God, participat the ſacraments; and obey the haill diſcipline of the Kirk, as it is acknowledgit preſentlie be the Kings Majeſtie and Eſtates.

4. He ſolemnlie promiſes and offers his wrytin band, that lykeas, ſen his promiſe, and entring in conference with the Kirk, he never intercommunit with Jeſuits, Preiſts, or excommunicat perſons, except ſick as are dealing with the Kirk, ſwa to keip in all tymes comeing; and that he ſall baniſch out of his companie and bounds all Jeſuites, Prieſts; and ſall expell therfra all excommunicat Papiſts, except ſick as ſall have licence fra the Kirk and Kings Majeſtie; and, finallie, that none ſall have receipt in his bounds that are profeſt enemies to the Kirk, be his knowledge.

5. He is readie to ſweare and ſubſcrive the Confeſſion of Faith, in preſence of the haill Commiſſioners, ſo ſoon as they ſall come back from the nixt Generall Aſſemblie, with power to pronounce his abſolutioun.

6. He is content to ſatiſfie for his apoſtaſie in the place appointit, and ther to ratifie the forſaids premiſſes.

7. At the deſyre of the ſaids Commiſſioners, he preſentlie remitts all rankour and malice conceivit be him, for any occaſioun or deid offerit to him be the countrey men in the Kings ſervice; and promitts, vpon his fidelitie, never to quarrell any for the ſame, ſpecially none of the Miniſtrie, ſouth or north.

8. He aggries, that ſuch as of the Miniſtrie ſalbe appointit, with ſuch freinds [as he ſall appoint,] ſett downe quhat ſall be his part for planting of the kirks within his bounds; quhilk he promiſes to execute after his abſolutioun.

9. Be the advyce of the Commiſſioners, he is content to take a Miniſter, and intertaine him in his houſe.

10. He confeſſes, that he gave ſufficient matter to the Kirk to denunce the ſentence of excommunication aganis him. Sic ſubſcribitur,

ERROLL.

The Erle of Angus anſuers to the Articles.

1. He being callit befor vs, it was injoynit to him to remaine at Barras in the parochin of Kynneff, and ther awaite vpon the heiring of the doctrine in that his paroch kirk; and vpon conference at ſuch tymes [and places] as was appointit in Conveth and Aberbuthnot kirks; quhilk he hes faithfullie keipit and obſervit untill his reſolutioun was obteinit.

2. After we had reaſonit and conferrit with him in many of the contravertit heids of religioun, be the Scriptures, and ancient Doctours, he ſatiſfied vs affirmativé and negativé.

3. He acknowledgit the Kirk of Scotland to be the true Kirk, and is ready to joyne himſelfe therto, and profeſſe him to be a member thereof, will heare the Word, participat the ſacraments, and obey the haill diſcipline of the Kirk, as it is allowit preſentlie be his Majeſtie and Eſtates.

4. He ſolemnlie promiſes be his word and wrytin band, to remove foorth of his haill companie and bounds, Jeſuites and excommunicat perſons; lykeas he hes done ſince the Commiſſioners nominat thir articles to him.

5. He deſyres the Commiſſioners to get a power to abſolve him, and immediately therafter, he ſall ſweare and ſubſcrive the Confeſſioun of Faith.

6. He is content to ſatiſſie for his apoſtaſie in his awin paroch kirk, and ther to ratifie his forſaid promiſes.

7. He vnderſtands none of the countrey to have incurrit his wrath or deadly feid for perſewing him in his Majeſties ſervice, quhilk he proteſts befor God; that he nevir meanit to harme any man for giving obedience to his Majeſties lawis, quhilk if he had done, he ſould rather have made mends nor [have] forgivin; and if any in particular will complaine, he will ſatiſſie this article, albeit, in very trueth, as all the countrey knowis, he hes ſuſtained great loſs, quhilk he hes the Kirk to meane, in moſt humble manner, to his Majeſtie, as the Commiſſioners will declare at more length.

8. He is content at the ſicht of the Commiſſioners, and his beſt advyſit freinds, to provyde ſtipends for his kirks, how ſoone he ſalbe abſolvit and reſtoreit to his living.

9. He will moſt willingly take a Miniſter and intertaine him at his awin houſe, be the advyce of the Commiſſioners.

10. He confeſſes, that he deſerved to be excommunicat.

Sic ſubſcribitur,
ANGUS.

The quhilk report made be the ſaids Commiſſioners, in diſcharging of thair forſaid commiſſioun, the Generall Aſſemblie preſentlie conveinit, ratifies and allowis, as aggrieable and anſuerable to the ordinance of the laſt Aſſemblie, haldin at Perth, in all poynts: and therfor ordaines the ſaids Commiſſioners reſpectivé, to proceid farther with the ſaids Erles in the ſaid matter, and to receive a ſatiſfactioun of ſick things as are promiſed be them in the ſaids conditiouns, and to crave the preſent accompliſhment therof, ſo farre as poſſiblie can be done. They are to ſay,

That as they, in thair anſuer, hes allowit and ſubſcryvit, ſa that they preſentlie confeſſe the veritie of the haill grounds of our religioun affirmativé; and with ſome meaſure of knowledge, refuſe and deteſt all heids of Papiſtrie, contrair to the ſame.

That they acknowledge the Reformit Kirk of Scotland to be the true Kirk; that they effaldlie joyne themſelves, and acknowledge themſelves members therof, ſubmitting them to the ſame; and ſalbe readie, at all occaſiouns, to heare the Word, and obey the ſame, participat the ſacraments, and obey the haill diſcipline of the Kirk, as it is allowit be his Majeſtie and Eſtates.

That, befor thair abſolutioun, they ſweare ſolemnlie and ſubſcrive the Confeſſioun of the Faith, in preſence of the haill Commiſſioners.

That as they have teſtified be thair writt, even ſo be thair band they promiſe to remove out of thair companie, in all tyme comeing, all Jeſuites, Preiſts, and excommunicat Papiſts, except ſick as ſalbe licentiat be the Kirk

That, at the time of thair abſolutioun, they ſatiſfie in moſt humble manner in the kirks of Aberdein and for thair former apoſtaſie, and ther ratifie theſe thair promiſes in moſt ſolemne manner.

That the Erle of Huntlie, befor his abſolutioun, aſk God mercie for the Erle of Murrays ſlaughter, and declare his penitence for the ſame.

And becauſe thair Lordſhips hes promiſed never to quarrell any Gentlemen of the countrey, that hes perſewit or vtherwayes troublet them, and

therby incurrit thair wrath in his Majeſties ſervice, and at his Hienes commandement: Therfor, to the effect the fruites therof may more evidently appeir, that thair Lordſhips ſaithfullie promiſe, that lykeas thair ſonnes hes already obtainit, or at the leiſt is to obtaine of his Majeſtie, of frie grace and meere donatioun, the gift of thair foirfaultries; evin ſo the gentlemen in the countrey, that are vaſſalls to them, and hes incurrit the lyke [ſentence of] foirfaltour, and perrillit thair lands, not through thair awin evill demerit, bot be reaſon they were vaſſalls to them, may receive and obtaine of thair Lordſhips, the lyke grace as is impairtit vnto them be thair Soveraigne: and as his Majeſtie grantit a benefite to them, who had offendit, evin ſo thair Lordſhips vaſſalls be not trublit for any compoſitioun of thair lands, quhilk, not be thair fault, bot throw thair Lordſhips failzie, were indangerit and holdin in none entrie; and that thair Lordſhips renew the promiſe of remitting all rancour and malice of heart againſt the ſaid gentlemen.

And as to the proviſioun of Kirks quhilk pertaines to [ilk ane of] the ſaid Erles reſpectivé, that [they, at] the advyce of thair beſt affectionat freinds and the ſaids Commiſſioners, ſett downe ane ſolid ordour, how the Miniſtrie may be plantit and honeſtlie ſuſtainit at the ſame; quhilk they ſall ratifie and approve, and put in executioun immediatelie after thair abſolutioun.

That, be the advyce of the Commiſſioners, they make choiſe of a Miniſter, quho ſalbe intertainit in thair houſe for inſtructing of the ſame.

That they renew the confeſſioun of thair ſins, acknowledging that they were juſtlie excommunicat for the ſame.

And to the effect that all ſlander may be removit from the Erle of Huntlie, and ſpeciallie that quhilk did ariſe vpon the ſlaughter of Mr William Mure, quhilk was committit dureing his Lordſhips remaining in Aberdein, that his Lordſhip provyde ſick remeid, that the poore woman, mother to the ſaid Mr William, may be ſatiſfied; and ſick affythment made, alſweill for him as her huſbands ſlaughter, as the Commiſſioners ſall think expedient.

With power to the ſaids Commiſſioners, after the accompliſhment of the premiſſes, to abſolve the ſaids Erles from the ſentence of excommunicatioun, and receive them again in the boſome of the Kirk.

Seſſio 7a. 14 Maij.

Anent the Articles givin in be his Majeſtie in the laſt Aſſemblie haldin at Perth, the deciſioun and anſuering quherof was referrit be the ſaid Aſſemblie, to be reaſonit and intreatit be certaine Commiſſioners, and therafter to be concludit in this Aſſemblie; and anent the declaratioun of certaine acts made in the ſaid Aſſemblie haldin at Perth, for ſatiſfactioun of ſuch as were not preſent at that tyme, nor acquaintit therwith: The ſaids articles and queſtions being reaſonit and vottit in face of the haill Aſſemblie, his Majeſtie being preſent for the tyme, theſe declaratiouns and concluſiouns after following were ſett downe and concludit be the ſaid Aſſemblie, as followis.

Notes in forme of declaratioun of certaine of the Acts made in the Generall Aſſemblie haldin at Perth in Februar laſt by paſt, for explaining of his Majeſties and the Aſſemblies meaning, for the ſatiſfactioun of ſuch as then were not acquaint therwith: quhilk are ordainit to be regiſtrat in the Acts of this preſent Aſſemblie.

Firſt, Anent the lawfulnes of the ſaid Aſſemblie haldin at Perth: It is declairit be this preſent Aſſemblie, that one of the reaſons moving the brethren to acknowledge the lawfulnes of the ſaid Aſſemblie, was found to have bein, that the Commiſſioners of the Kirk accordit with his Majeſtie theranent, as is expreſſlie ſett doune in his Majeſties letter.

Item, The reaſon moving the Aſſembly to grant the more willinglie to the 2 Article concerning the reproving of his Majeſties laws, was this; his Majeſties earneſt and conſtant affectioun to the religioun, and obedience to the Word, was evidentlie knawin to the haill Aſſemblie; and that it was his Majeſties declarit will and intentioun, alwayes to frame his laws and whole government according to the ſame; for the quhilk cauſes the Aſſemblie aggried to the ſaid article.

Anent the Article ordaining that no mans name be expreſt in pulpitt, except in notorious crymes, &c.: The point of notorietie is farder defyned, [If the cryme] be ſo manifeſt and knowin to the world, ut nulla tergiverſatione celari poſſit.

Anent the Article ordaining, that no conventioun of Paſtours be without

his Majeſties knowledge and conſent: His Majeſties conſent is declarit to be extendit to all and quhatſoevir forme either of Generall [Aſſembly,] or ſpeciall Synodall, permittit and authorizit be his Hienes lawis, according as they have warrand in the Word of God, as being the moſt authentick forme of conſent that any king can give.

Anent the Article concerning proviſioun of Paſtours to burrowes: It is declarit that the reaſon therof was and is, that his Majeſtie was content, and promiſed, that quher the Generall Aſſemblie finds it neceſſar to place any perſon or perſons in any of the ſaids townes, his Majeſtie and the flock ſall either give thair conſent therto; or els a ſufficient reaſon of the refuiſall to be proponit either to the haill Aſſemblie, or to a competent number of the Commiſſioners therof, as his Majeſtie ſall think expedient.

Anſuers to the reſt of his Majeſties Queſtiouns, according as they were proponit be his Hienes and his Commiſſioners in the preſent Aſſemblie.

Firſt, Anent the propoſitioun movit be his Majeſtie to the Aſſemblie, craving that befor the concluſioun of any weghtie matters concerning the eſtate of his Hienes or of his ſubiects, his Majeſties advyce and approbatioun be cravit therto, that the ſame being approvit be his Majeſtie, may have the better executioun, and, if neid beis, be authorizit be his Hienes lawis: The Aſſemblie craves moſt humblie, that his Majeſtie, either be himſelfe or his Hienes Commiſſioners, in matters concerning his Majeſties eſtate, or the haill eſtate of his ſubiects, and vthers of great wecht and importance, that hes not bein treattit of before, wald give his advyce and approbatioun therto, before any finall concluſioun of the ſame: and, for the better obedience to be given to ſuch lyke ſtatutes in all tyme comeing, that his Majeſtie wald ratifie the ſame, either be act of his Hienes Parliament, or Secreit Counſell, as ſalbe thocht neidfull: The quhilk his Majeſtie promiſed to doe, according to his Hienes propoſitioun, quhilk was acceptit and allowit of the haill Aſſemblie.

The Aſſemblie ordaines, that there be ane vniformitie in the ordinatioun of the Miniſtrie throughout the haill countrey, impoſitioun of hands; and that they be admittit to certaine flocks, vpon the quhilk they ſalbe aſtricted to attend, according to the Acts of the Aſſemblies made of befor; and ordaines that none, that are admittit to the Miniſtrie, be promovit to teach

in publick and great rowmes, except vpon very vrgent neceſſitie, in defect of actuall Miniſters, they be ordainit to ſupply ſick wants be the Preſbytries, Synodall or Generall Aſſemblies, quho ſall tak diligent ordour that they keip themſelves within the bounds of thair gift, and ſpeciallie in applicatioun.

That no Paſtour exerciſe any juriſdictioun, either in making of conſtitutiouns, or leading of proceſſes, without the advyce and concurrence of Seſſioun, Preſbytrie, Provinciall or Generall Aſſemblie.

That all Seſſiouns be electit with conſent of thair awin congregatiouns.

That all Seſſiouns, Preſbytries, and Provincialls, vſe ſick forme in all thair proceſſes as may be found laufull and formall, and able to abyde tryall; the quhilkis ſalbe regiſtrat in matters of importance: and, to that effect, ordaines the proceidings of privat Seſſiouns to be ſightit at Preſbytries; and the proceidings of Preſbytries at Provinciall Aſſemblies; and the proceidings of the Provinciall at Generall Aſſemblies.

The Aſſemblie ordaines, that in the exerciſes, quhen the Miniſters are conveinit at thair Preſbytries, no applicatioun be vſed.

That in the determinatioun of matters of importance, quher the vottis ſalbe only different [vpon] two or thrie, that nothing be concludit therin till better reſolutioun; and that, in ſuch difference, he that gives the negative with his vote, ſall give rationem negandi.

The Aſſemblie ordaines the Preſbytries to meddle with nothing in thair judicatour, quhilk ſall not be found, but contraverſie, proper to the Eccleſiaſtick judgement; and that heirin ane vniformitie be keipit throughout the haill countrey.

That all proceſſes and acts be extractit to parties having intereſs, quher is ane wrytin proceſſe.

The Aſſemblie ſuperſeids to anſuer the article tuiching ſummar excommunicatioun quhill the nixt Generall Aſſemblie; and in the meane tyme ſuſpends all ſummar excommunicatioun: alwayes, in great crymes, the Aſſemblie ordaines a publict intimatioun therof to be made, and the committer therof to be ſuſpendit a ſacris, and prohibited a privato convictu.

If any Preſbytrie ſalbe deſyrit be his Majeſties miſſive to ſtay the proceiding of any thing prejudiciall to the civill juriſdictioun or privat mens rights, It is ordainit, that the ſaid Preſbytrie ſall deſiſt in the ſaid matter, vntill they ſend to his Majeſtie for ſatiſfactioun theranent.

Seſſio 8a. 16 Maij.

Becauſe ſundrie ſlanders riſes, through the diſſordour of reidears, be baptizeing of bairnes gottin in adulterie and fornicatioun, befor ſatiſfactioun made by the offenders; and celebrating of vnlawfull marriages: The Aſſemblie ſtatutes and ordaines, that no Reidar miniſter the ſacrament of baptiſme in any way, in all tymes coming; and that they preſume not to celebrate the bands of marriage without ſpeciall command of the Miniſter of the Kirk; and in cace ther be no Miniſter therat, of the Preſbytrie, had to that effect: and ordaines every Preſbytrie to cauſe this act to be intimat at every paroch kirk, that none pretend ignorance heirof in any tyme coming.

Seſſio 9a. 16 Maij.

The quhilk day, in preſence of the haill Aſſemblie, the Kings Majeſtie being perſonally preſent, declarit, that [ſeeing,] through the ſhortnes of tyme, ther were ſundrie matters of weght and importance, not only concerning particular flocks, bot quhilk did in ſpeciall tuitch the haill eſtate and body of the Kirk, quhilk could not be commodiouſlie intreatit and concludit in this preſent Aſſemblie; as namelie, twitching both the planting of particular congregatiouns and of the haill kirks within this realme, quhilks as ȝet, through the default of honeſt intertainment, remaine vnplantit and deſtitute of the comfort of the Word; and anent ane ſolid ordour to be takin anent a conſtant and perpetuall proviſioun for the ſuſtentatioun of the haill Miniſtrie within this realme, to the end they be not, as in tymes bygane, to depend and awaite vpon the Commiſſioners appointit for modifieing of their ſtipends, and ſo be forcit to abſent themſelves the moſt part of the ȝeir from thair flock, to the great diſgrace of thair calling, diſhearting of thair congregatioun, and diſcontentment of his Majeſtie, whoſe care ever hes bein, and earneſt deſyre continues as ȝet, that every congregatioun have a ſpeciall Paſtour honeſtly ſuſtainit, for the better awaiting on his cure, and diſchargeing of his duetieſull office in the ſame: and therfor his Majeſtie deſyrit the brethren to conſidder, whither it were expedient that ane generall commiſſioun ſould be grantit to certaine of the moſt wyſe and diſcreit of the brethren, to conveine with his Majeſtie for

effectuating of the premiffes: The quhilk his Majefties advyce the Affemblie thinks very neceffar and expedient; and therefor hes given and grantit, lykeas, be the tenour heirof, they give thair full power and commiffioun to the brethren vnderwrytin, viz. Mrs Alexander Dowglas, James Nicolfone, George Glaidftaines, Thomas Buchannan, Robert Rollock, Robert Pont, David Lindfay, Patrick Galloway, Johne Duncanfone, Patrick Sharp, Johne Porterfeild, James Melvill, William Couper, and Johne Clappertoun, or any fevin of them, to convene with his Majeftie, betuixt the day of thir prefents and the laft of May inftant, [with power to them] to take folid ordour anent the provifioun of Minifters to the townes of Edenburgh, Dundie and Sanct Androes, his Majefties and the Princes houfes; to give thair advyce and opinioun to his Majeftie, anent the planting of every particular kirk within this realme; to make fuch overture as they can beft devyfe twiching the conftant platt; and generally to give thair advyce to his Majeftie in all affaires concerning the weill of the Kirk, and intertainment of peace and obedience to his Majeftie within this realme: with expreffe power and command to the faids Commiffioners to propone to his Majeftie the petitiouns and greives, afweill of the Kirk in generall, as of every member therof in particular, promitten de rato.

Anent the fupplicatioun givin in be Mr John Rutherfurd, makand mentioun, that quher in the Generall Affemblie laft bypaft haldin at Perth, he gave in ane fupplicatioun, quherin he defyrit the proces of deprivatioun [led and] deduceit aganis him be the Prefbytrie of Sanct Androes, to be produceit before the faid Affemblie, to the effect the fame might be tryit, and the proceidings thereof examinit be them, the quhilk was referrit be them at that tyme to this prefent Affemblie, ordaining the faid Prefbytrie of Sanct Androes to produce the faid proces befor this prefent Affemblie, and to anfwer to the complaint givin in be the faid complainer, defyrand therefor the brethren of the Prefbytrie of Sanct Androes to be callit for productioun of the faid proces, to the effect the famein might be fein and confidderit be this prefent Affemblie, according to the ordinance made at Perth, as faid is: The Generall Affemblie, in refpect of fhortnefs of tyme, remitts the faid complainer and his fupplicatioun to the Commiffioners appointed to conveine with his Majeftie at Edinburgh, and ordaines the Prefbytrie of Sanct Androes to produce the faid proceffe befor the faids Commiffioners, and the anfuer to the faid complainers fupplicatioun in all points; with power to the faids Commiffioners, or any fevin of them, to

take full tryall, cognitioun, and finallie to conclude in the ſaid matter, promitten de rato.

Seſſio vltima. 17 Maij.

Anent the ſupplicatioun givin in be James Wood, appeirand of Bonytoun, makand mentioun, that, according to the directioun of the laſt Aſſemblie haldin at Perth, he had attendit vpon the Commiſſioners appointit be the ſaid Aſſemblie, and had aggried, be thair conference, in many heids of religioun with them; deſyreand therfor, as he is willing to perſevere in conference with the ſaids Commiſſioners to his finall reſolutioun, that a commiſſioun may be grantit to the brethren appointit for dealing with the Erles of Huntlie and Errol, to continue in conference with the ſaid complainer; and in cace they find him reſolvit, to abſolve him from the ſentence of excommunicatioun, and receive him again in the boſome of the Kirk: as alſo that the Commiſſioners of Angus appointit for the ſaid purpoſe, may have a ſpeciall command to intreat with the ſaid complainers father, for appeaſing his wrath towards him, in reſpect he is content to ſubmitt himſelfe moſt humblie to his ſaid father, or to the Kirk, for ſatiſfactioun of any eyelifts that he or they hes found in him in tymes bypaſt: The Aſſemblie gives full power and commiſſioun to the brethren appointit for receiving the Erles of Huntlie and Erroll, to enter in farther conference and tryall with James Wood, appeirand of Bonytoun: and in cace of full ſatiſfactioun to be made be him to the ſaids Commiſſioners, in ſuch heids and articles quherin he hes not as ȝet ſatiſfied, the Aſſemblie gives vnto them power to abſolve him from the ſentence of excommunicatioun, and receive him againe within the boſome of the Kirk. Attour, the Aſſemblie ordaines Mrs George Gladſtanes, Andro Mylne, Andro Leich, Johne Ramſay, and Andro Lamb, to deale with the Laird of Bonytoun, and travell in the reconciliatioun deſyrit and ſatiſfactioun offerit be the ſaid complainer his ſonne.

Anent the ſupplicatioun given in be Mr William Murray, Miniſter at Dyſart, making mentioun, that quher he hes livit vpon the duetie of the tak of the Perſonage thir diverſe ȝeirs bygane, being only thrie hundreth merks, and ſuſtaineth great charges thervpon; and now ſeing the ſaids taks are outrunne, and he is informit that diverſe ſupplicatiouns are givin

in be the gentlemen of the ſaid parochin, craveand the ſaid complainer [to be aſtricted] to ſett them taks of thair awin teinds reſpectivé; deſyreand therfor not to aſtrict the ſaid complainer to any particular perſons, bot to give him power to ſett taks to ſick as ſall doe moſt commodiouſlie for the weill of the Kirk: The Aſſemblie gives power to the ſaid complainer to ſett in tak the teinds of the Perſonage of Dyfart, except of the lands pertaining to the Lairds of Glennagies and Wachtoun, reſervit be ane vther act of this Aſſemblie, with advyce and conſent of the Preſbytrie of Kirkcaldie, and of the brethren after following, viz. Mrs Thomas Buchannan, William Cranſtoun, James Melvill, Robert Wilkie, David Fergufone, and Johne Fairfull; vnto the quhilks the Aſſemblie remits the ſupplicatioun of ſuch as craves tackis of the teinds of the ſaid Perſonage.

Anent the Erle of Craufurds requeſt, deſyreand licence to a perſon of Inneraritie to ſett a tack of the teinds therof, in cace it be found be the civill Judge that he hes beſt right therto: The Generall Aſſemblie gives power to the Commiſſioners appointit to conveine in Edenburgh with his Majeſtie, to give power to the perſon that ſalbe preſentit, to ſett taks of the teinds controvertit to either my Lord Craufurd, or the Laird Purie Fothringhame, that ſalbe found be civill magiſtrate to have beſt right to the ſame.

Thanks being given to God, the brethren ordaines the nixt Aſſemblie to be haldin at Striveling, the firſt Tueſday of May 1598.

Here followeth the tenour of a Miſſive ſent by the Commiſſioners of the General Aſſembly to the Preſbyteries.

[Grace and peace from God the Father of our Lord Jeſus Chriſt.

Beloved brethren, as we have found continuance of mercy in ſtaying the deſolation, which was already begun, according to many threatenings againſt the contempt of this land; ſo wee ſee, through the lack of due conſideration and foreſight in ſuch as principaly ſhould have the moſt tender care of this work, and partly through the ſubtile wayes of diſſembling friends, good occaſions are likely to be turned to our hurt, unleſs remeed

be wiſely provided in tyme: For this cauſe wee have thought it needfull, and be conſent of his Majeſtie concluded, that the General Aſſembly, which was ordained to be in May, ſhould hold the firſt Tueſday of March next at Dundie, for preventing of inconveniences, that delay of tyme might draw to further evil, and for taking of ſolid reſolution in ſuch things as are neceſſary to be deliberat upon, concerning the Kirks vote in Parliament, and ſome other neceſſary points; whereanent, for your better information, wee have thought expedient to acquaint you with the effect of our travells here at this tyme.

According as it has been the continual cuſtome of the Kirk at Parliaments to crave ſuch things as were found neceſſary to paſs in lawes for their well and priviledges; ſo with advice of diverſe Commiſſioners of Preſbyteries, wee found it requiſite to inſiſt in ſuch articles as have been craved be the Kirk at Parliaments in tymes bypaſt; and namely wee urged the article anent the Kirks vote in Parliament, and the article anent the univerſal proviſion of the whole Kirk with ſtipends. In both wee found great oppoſition be the far greateſt part of the Lords: but the Kings Majeſtie conveyed our ſuits with ſuch wiſdom and dexterity in our favours, that in end, after many hard anſwers, his Majeſtie procured, that he might diſpone the whole great benefices to Miniſters; and that ſuch Miniſters as ſhould be admitted thereto, ſhould have vote, but prejudice alwayes to the preſent diſcipline and juriſdiction of the Kirk in any point; as ye will underſtand be the act itſelf, whereof we have ſent you here a copy, which his Majeſtie thinks ſhall be a mean, in ſhort tyme, to vindicate the Miniſtry from their preſent contempt and poverty; and this is already perceived be many to their grief, who fear their hurt in our credit. For this cauſe we have been earneſtly requeſted by ſundry of the wiſeſt of all Eſtates, who moſt favour the good cauſe, that without ſcruple we ſhould accept this good occaſion. The which point of preſent acceptation was urged be the Lords ſo ſtraitly, that unleſs we wold give our conſent thereto preſently, in name of the Kirk, they wold not ſuffer the foreſaid act to paſs in our favours; yet his Majeſtie was ſo favourable towards us, and ſo carefull to ſave our credit, and eſchew offence, that, be his moyen, all is reſerved free to this Aſſembly for our part: Therefore we beſeek you, Brethren, to have a regard hereof with ſuch wiſdom and care as is neceſſary in a matter of ſo great importance, and ſend in commiſſion to the ſaid Aſſembly, the moſt wiſe, grave, and of beſt credit and experience among you, ſo far as

infirmity and age may ſuffer; that good occaſion may be uſed at this tyme, as that the good may be taken without any hurt, ſo far as is poſſible.

Anent the Platt and proviſion of ſtipends at every Kirk, commiſſion is given to a number of Lords and Miniſters, who are to eſſay that work with all diligence, and to crave your farther help in the information anent the eſtate of the kirks: which therefore ye ſhall take paines to have in readineſs, as ye ſhall be required upon the next advertiſement.

The Lord direct you in all ſincerity and wiſdom, that ye may find a bleſſing upon your labours alwayes.

From Edinburgh the 22 day of December 1597.

Your Brethren and fellow labourers, the Commiſſioners of the General Aſſembly, and in their name and command Mr Robert Rollock, Moderator of the General Aſſembly. C.]

Tenour of the Act of Parliament.

In Parliamento apud Edinburgh, 18tio Decembris A. D. MDXCVII.

Our Soverain Lord, and his Hieneſſe Eſtaites in Parliament, havand ſpeciall conſideration and regairde of the great priviledges and immunities granted bee his Hieneſſe predeceſſoures of maiſt worthie memorie to the halie Kirk within this realme; and to the ſpeciall perſones exercing the offices, titles, and dignities of Prelacies within the ſamin: quhilkis perſones hes ever repreſented ane of the Eſtaites of this realme, in all Conventiones of the ſaidis Eſtaites; and that the ſaidis priviledges and freedomes hes bene from time to time renewed and conſerved in the ſame integritie and condition, quhairin they were at ony time of before; ſwa that his Majeſtie acknowledging the ſamin now to be fallen, and becummin vnder his Majeſties maiſt favourable protection: Therefore his Majeſtie, of his greate zeale, and ſingular affection, quhilk hee alwaies hes to the advancement of the trew religion preſentlie profeſſed within this realme, with adviſe and conſent of his Hieneſſe Eſtaites, ſtatutis, decernis, and declaris, that the Kirk within this realme, quhairin the ſamin religion is profeſſed, is the trew and halie Kirk; and that ſick Paſtoures and Miniſters within the ſamin, as at ony time his Majeſtie ſall pleaſe to provide to the office, place, title, and dignitie of ane Biſhop, Abbot, or vther Prelate, ſall at all time hereafter

haue vote in Parliament, ſiklike and als freelie as ony vther Eccleſiaſticall Prelate had at ony time bygane: And als declaris, that all and quhatſumever Biſhopprickes preſentlie vaikand in his Hieneſſe handes, quhilkis as ȝit ar vndiſponed to ony perſon, or quhilkis ſall happen at ony time hereafter to vaik, ſalbe onelie diſponed be his Majeſtie to actual Preachers and Miniſters in the Kirk; or to ſik vthers perſones as ſalbe foundin apt and qualified to vſe and exerciſe the office and function of ane Miniſter and Preacher; and quha in their proviſiones to the ſaid Biſhopprickes, ſal accept in and vpon them to be actual Paſtoures and Miniſters; and according therto ſall practize and exerce the ſamin thereafter.

Item, As concerning the office of the ſaidis perſones to be provided to the ſaidis Biſhoppricks in their ſpirituall policie and governement in the Kirk, the Eſtaites of Parliament hes remitted, and remittis the ſamin to the Kingis Majeſtie, to be adviſed, conſulted, and agreed vpon be his Hieneſſe with the General Aſſemblie of the Miniſters, at ſik times as his Majeſtie ſall thinke expedient to treat with them thereupon; but prejudice alwaies in the meane time of the juriſdiction and diſcipline of the Kirk eſtabliſhed be actes of Parliament, maid in onie time preceeding, and permitted be the ſaidis acts to all Generall and Provincial Aſſemblies, and vthers quhatſumever Preſbyteries and Seſſiones of the Kirk.

A. D. M.D.XCVII.

The Generall Aſſemblie of the Kirk of Scotland, haldin at Dundie the 7 day of Marche 1597. In the quhilk were conveinit the Kings Majeſtie and Commiſſioners from all Shyres and Townes of the countrey.

Seſſio 1a 17 Martij. Poſt meridiem.

Exhortatioun beeand made be Mr Robert Rollock, Moderatour of the laſt Aſſemblie, ther was appointit vpon the leits, Mrs Patrick Simſone, David Fergufone, Peter Blackburne, James Robertſone, and Robert Wilkie; and be the pluralitie of votes, Mr Peter Blackburne was electit Moderatour hac vice.

Seſſio 2a 8 Martij.

Anent the Commiſſioun given to certain brethren of the North, for the abſolving of the Erles of Angus, Huntlie, and Erroll, from the ſentence of excommunicatioun: The Aſſemblie ordaines Mr Peter Blackburne, in name of the reſt, to give in in wryte, the haill forme of thair abſolutioun, and ſatiſfactioun to the articles injoyned to them in the laſt Aſſemblie, to the effect the ſame may be regiſtrat in the Bookes of the Aſſemblie.

Seſſio 3a. Eodem die.

Becauſe there is no accompt tane of the acts of every Provinciall Aſſemblie; therefore it is ſtatute and ordainit, that, in all tymes coming, every Provinciall Aſſembly within this realme ſend the acts of thair Synod made ſen the Generall Aſſemblie immediatlie preceiding, with thair Commiſſioners direct be them to the next Generall Aſſemblie, to the effect the brethren of the Generall Aſſemblie may take tryall and cognitioun, that the proceidings of every Synod be done decenter et ordine, and ſo allow or diſſallow of them as they [ſall] think meitt; and this ordour to begin at the nixt Generall Aſſemblie.

Item, Becauſe it was meinit be ſome of the brethren, and found fault with, that ſuch as vſes to be appointit Commiſſioners from the Synodalls to the General Aſſemblie, but any reaſonable cauſe, refuſe to obey and accept thair commiſſioun, quherthrow it falls out oftentymes, that at the Generall Aſſemblie ther inlakes Commiſſioners from ſome Synods: Heirfor it is ſtatute and ordainit, that every Synod ſall chooſe out them that ſalbe thoght moſt meit to come as Commiſſioners to the Generall Aſſemblie, who ſall remaine to the laſt day of the Aſſemblie incluſivé: and to the effect they may pretend no reaſonable cauſe in the contrair, and ſpeciallie of povertie, therefor it is ſtatute and ordainit, that in cace the Commiſſioners that are choſen may not commodiouſlie awaite vpon the Aſſemblie vpon thair awin expenſſis, then and in that cace, the reſt of the quhilk number he is choſin ſall contribute to his expenſſis, according to the abilitie of thair livings, vnder the paine of the tinſell of the tenth part of thair ſtipends; quhilk Commiſſioners beand ſa furniſchit be ane commoun contributioun, as ſaid is, he ſall repaire to the Generall Aſſemblie, and remaine vnto the finall end therof, vnder the paine of the tinſell of the tenth part of his awin ſtipend: And in cace either the Commiſſioner or the brethren of his Synodall, through not obeying every ane thair proceſſe of the premiſſes reſpectivé, incurreing the danger of the penalties above rehearſit, and zet refuſing to make payment of the ſaids penalties, viz. of the tenth part of thair ſtipends, then and in that cace, they ſalbe ſuſpendit from thair calling and functioun, ay and quhill they ſatiſſie the ſame.

Anent the ſummounds raiſit at the inſtance of the Synodall of Fyffe againſt Andro Arnot, Miniſter of Scotlandwell, craveand the ſaid Andro,

conforme to his promiſe, to mak proviſioun for the kirk of Auchtermoonſie, ane of the kirks of the ſaid Miniſtrie: The ſaid Andro being callit, compeirit and declarit, that he promiſed to make ſufficient proviſioun for the ſaid kirk, provyding alwayes he were reſolvit of the payment of his thrid, quhilk he payes preſentlie to Mr Robert Inchaw; quhilk promiſe he preſentlie ratified, and band himſelfe to make proviſioun for the ſaid kirk of Auchtermoonſie immediatly after the diſſolving of the Aſſemblie, he being releivit of the payment of the thrid, as ſaid is.

Seſſio 4a. 9 Martij.

[The Synod of Lothian gave in their grieves againſt the Commiſſioners of the Generall Aſſembly, whereupon was made this ordinance following. C.]

The Commiſſioners appointit in the laſt Generall Aſſemblie for planting of the townes of Edenburgh, Dundie, and Sanct Androes, and ſuch vther affaires, as at mair lenth is conteinit in the ſaid commiſſioun, and callit to give ane accompt of ſick things as had bein done be them be vertue of thair commiſſioun forſaid, Mr James Nicolſone, in name of the reſt, produceit a booke containing a whole regiſter of thair whole proceſs and proceidings ſince the acceptatioun of the ſaid commiſſioun, quhilk was publicklie red in preſence and audience of the haill Aſſemblie: And becauſe ther was ſome of the brethren that thoght themſelves greivit at certaine of thair proceidings, therfor it was thocht expedient that the brethren after following ſould cognoſce vpon the ſaids greives and Commiſſioners anſuers therto, quhilk both ſould be givin in in one wryte befor them, and therafter report to the haill Aſſemblie quhat they fand therin: They are to ſay, Mrs George Monro, James Dundas, Robert Howie, Duncane Davidſone, William Dowglas, Andro Mylne, Andro Lamb, James Robertſone, William Rynd, Archibald Moncreiff, Alexander Lindſay, David Fergufone, William Cranſtoun, David Spence, Robert Wilkie, John Knox, Gawin Hamiltoun, Johne Hall, Johne Spotiſwood, Patrick Symſone, Robert Darroch, Harie Levingſtoun, David Barcklay, Hew Fullertoun, and Johne Welſch.

Greives to be proponit to his Majeſtie.

Firſt, To crave of his Majeſtie ane releiſe of this preſent taxatioun to ſick of the Miniſtrie as poſſeſſes ſmall benefices within iij^c marks, ſeing they are not able to be ſuſtainit vpon the ſame.

2. To crave in generall for the haill miniſtrie, that they be not troublit with the taxatioun in no tyme coming; bot that the officiars that ingathers the ſame, charge the takſmen immediatlie quho are bund to releive the Miniſtrie of their taxatioun; becauſe ſo long as the Miniſters charges thair takſmen, not only it averts them from thair calling, but alſo breids a grudge betuixt them and thair parochiners.

3. To crave a redreſſe of the abuſe of the buriall, that ane act of Parliament may be made, diſcharging burialls in kirks.

4. To crave ane redreſſe anent adulterous marriages, quher two perſons, both divorcit for adulterie committit either with vther, craves the benefite of the Kirk to be joynit in marriage.

5. To crave his Majeſtie, quhat ordour ſalbe tane anent the relaxatioun of ſuch murtherers from excommunicatioun as are alreadie relaxit from the horne, and ȝet hes not ſatiſfied the partie, quhilk is a tokin of no penitencie.

6. To advyce with his Majeſtie, if the carieing of profeſt witches from towne to towne, to try witchcraft in vthers, be laufull ordinar tryall of witchcraft, or nocht.

7. Anent the laik patronages: To lament unto his Majeſtie the great abuſe quhilk the late act of Parliament hes brocht in giving licence to the patrone to poſſeſſe the fruits of the benefice, in cace he preſent a qualified man, and the ſame be not admitted be the Kirk; vnder colour quherof they vſe to preſent ane qualified man to the Preſbytrie, and hes him ſworne to ſett back a tack of the fruites of the benefice to the patrone: quhervpon, albeit the perſon preſentit be qualified, ȝet the Kirk cannot admitt him, in reſpect of the impediment forſaid, quherthrow both the patrone vplifts [the fruicts of] the benefice, and the Kirk lyes deſtitute; therfor to crave redreſſe of the ſame.

Seſſio 5a. Eodem die.

Anent the greives givin in to his Majeſtie befor noone, his Majeſtie being prefent gave his anſueris as followes:

To the firſt and ſecond: His Majeſtie deſyrit the Commiſſioners to be deput from this Aſſemblie, to give in ane ſupplicatioun to the Counſell, anent the ſame, quhervnto his Majeſtie ſould hold hand; and in the mean tyme promiſed to cauſe ſtay all farther executioun againſt ſick of the Miniſtrie as were at the Aſſemblie preſentlie, quhill the 15 of Apryle nixt to come.

Anent burials: His Majeſtie thocht good that ane ſupplicatioun ſhould be givin in to the nixt Parliament, craveand that, for avoyding of burialls in kirks, every Nobleman ſould bigge a ſepulture for himſelfe and his awin familie.

Anent adulterous marriages: His Majeſtie thocht good that ane ſupplicatioun ſould be givin in to the nixt Parliament, craveand ſuch marriages to be declairit null in all tyme comeing, and the bairnes gottin therin to be baſtards.

Anent murtherers: His Majeſtie declared, quhen any murtherer is relaxit from the horne, upon cautioun to vnderly the law, that he is not, therfor, ſimpliciter relaxit, bot to ane day to abyde tryall of his fault; and therfor thinks that the Kirk may continue in thair cenſures aganis ſuch a perſon, and deny him any benefite of the Kirk, vntill they ſie evident tokins of repentance in him, the partie be ſatiſfied, and thervpon ane full remiſſioun obtainit.

Anent tryall of witchcraft: His Majeſtie declared, that, be ane act of the laſt Parliament, it is remittit to certaine of his Hienes Counſell, certaine Miniſters and Advocates, to conclude vpon [a ſolid order] anent tryall of witches, and to advyce whither the forſaid carieing of witches is permiſſive, [or not.]

Tuiching the quhilk, the Aſſemblie ordainit Mr Patrick Galloway and Johne Duncanſone to hald his Majeſtie in remembrance.

Anent the abuſe of laik patronages: His Majeſtie thocht good lykewayes, that ane ſupplicatioun ſould be givin in to the nixt Parliament for redreſſing of the ſame.

Becauſe it was reportit in the Aſſemblie, that albeit ſundrie perſons were

convict of witchcraft, nevertheles, the civill Magiftrat not only refufit to punifh them, conforme to the lawes of the countrey, bot alfo, in contempt of the famein, fetts the perfons at libertie, quhilk were convict of witchcraft: Therfor the Affemblie ordaines that, in all tyme coming, the Prefbytrie proceid in all feveritie with thair cenfures aganis [all] fuch Magiftrats as fall fet at libertie any perfon convict of witchcraft heirafter.

Item, Becaufe diverfe perfons, with ane prepofterous hafte, hes proceidit to the band of Matrimonie, without any laufull proclamatioun of thair bands, quherthrow the ordinances of the Kirk are hielie contemnit: Therfor it is ftatute and ordainit, that no perfons be couplit together in marriage, without they be thryfe laufullie proclaimit at thair awin paroch kirk, according to the confuetude obfervit within this realme: and in cace of contraveining of the fame, that the Minifter be depryvit of his office; and the parties ordainit to fatiffie the Kirk be public repentance.

Anent burialls: It is ordainit, that no pictures or images be caried about in burialls, vnder the paine of the cenfures of the Kirk.

Item, Becaufe it was regratit, that becaufe certaine of the Miniftrie being beneficit perfons, hes fett taks and affedatiouns of the fruits of thair benefice, and therafter hes obtainit licence of tranfportatioun from thair kirk, fo that the fame, be reafone of the taks fet be them, remains continuallie vnplantit for lake of provifioun: Therfor it is ftatute and ordainit, that, in tyme comeing, no Minifter get licence of tranfportatioun from his Kirk, befor it be tryed, that he hes not hurt the benefice, from quhilk he wald be tranfportit, be fetting tacks of the fruits of the fame; and if the tacks, that were fett befor his entrie to the faid benefice, expyrit in his tyme, that he hes renewit no auld tack, but confent of the Generall Affemblie, and melioratioun of his benefice.

Item, Becaufe for lake of moyen, fundrie of the Minifters hes not as zit obteinit the defignatioun of their manfes and gleibes, Therfor it is ordainit, that everie Minifter, that is not zit poffeft with his manfe and gleib, obtaine poffeffioun of the fame, betuixt and the nixt Affemblie: And in cace the perfon, in whofe favours the defignatioun is grantit, be not able, throw povertie, to awaite vpon the law for [obtaining] poffeffioun of the fame, that the reft of the brethren of his Prefbytrie concurre and help him with expenffes for obtaining of the fame.

Seſſio 6a. 10 Martij.

Anent the proceidings of the Commiſſioners appointit in the laſt Generall Aſſemblie, quhilk they did anent the planting of the Miniſtrie of Sanct Androes, and anent the examinatioun of the depoſitioun of Mr Johne Rutherfuird: The Aſſemblie ratifies, allowis, and approves thair proceidings therin.

And farther ordaines, for reaſonable cauſes moving [them,] Mr Robert Wallace to be relaxit from the ſentence of ſuſpenſioun from his Miniſtrie, pronuncit in thair decreit againſt him, he ſatiſfieand my Lord of Menmure, be the advyce of Mrs David Lindſay, Robert Bruce, and Robert Rollock, to the effect he may be placit to ſerve in ſick parts, quher the Kirk ſall think his travells to be beſt imployit.

As concerning Mr Johne Rutherfuirds proceſs, and the reſt of the things done in Sanct Androes be the ſaids Commiſſioners: Mrs David Black, Johne Carmichaell, Robert Durie, Alexander Forſythe, and the reſt of the brethren of the Preſbytrie of Sanct Androes that were ther preſent, after reaſoning of ſuch things quherof they had not bein of before reſolved, declared themſelves ſatiſfied therin.

Becauſe it was reportit be the Commiſſioners of the Generall Aſſemblie, that the conſtant Platt for planting of every particular kirk, was hindred be the takſmen who hes the haill teinds in thair hands, and refuſeth to condiſcend to any ſubſtantiall ordour anent the planting of the Miniſtrie, without ſome ſecuritie were made vnto them anent the reſt of thair teinds: Therfor the Aſſemblie thocht good to conſidder quhat be the conditions cravit be thair takſmen, in cace of augmentatioun of the duetie of thair tackis for ſuſtentatioun of the Miniſtrie: To the quhilk it was anſuerit be the viſitours of Murray and Aberdeine, that the taxmen deſyrit ane perpetuitie of thair tacks, be renewing therof at thair outruning without greiſſom: [Mernes offered preſently to augment in victual, upon condition that the tacks be renewed at the outrunning therof, for a liquidat ſumme, in name of greſſom:] The lyke offerit Angus: Clidſdaill, Galloway, Lauthian, and Fyſe, wald make no offer.

Upon conſideration quherof, the brethren deſyrit his Majeſtie that ane law might be made anent the augmentatioun of the duetie of the tackis for ſuſtentatioun of the Miniſtrie: To the quhilk his Majeſtie offerit willingly

to deale with the takſmen in ſuch ſort, that they ſould be forcit to augment the duetie of thair tackis to a reaſonable and competent living for ane Miniſter at every kirk, vpon conditioun they had ſome reaſonable eaſe of thair teinds. And for effectuating therof, the Aſſemblie ordaines every Miniſter to give in a particular overture in wryte to the Commiſſioners quhilk ſalbe appointit be the Generall Aſſemblie, [and information,] quhat is the juſt valour of the teinds of his paroch; to quhom they are ſett; for quhat duetie; to quhom the duetie is payit; and quhat better every ane can give for planting his awin kirk; to the effect his Majeſtie, with advyce of the ſaid Commiſſioners, may take ane ſolid ordour anent the ſufficient planting of every particular kirk betuixt and the nixt Generall Aſſemblie.

Seſſio 7a. Eodem die.

The brethren appointit to try the proceidings of the Commiſſioners of the laſt Aſſemblie, and the greives givin in againſt the ſame, with the Commiſſioners anſuers therto, declairit, that they had conſidderit the haill grieves givin in be the Synodall of Lauthiane, and the Commiſſioners anſuers made to the ſame; and that they thocht it expedient, ſo that it were the will of the Aſſemblie, that the ſaids greives and anſuers ſould be buried: Notheles, the Aſſemblie, for ſatiſfactioun of the haill brether, thocht good, that the ſaidis greives and anſuers ſould be red in audience of the haill Aſſemblie; quhilk being done, after voteing, it was concludit, that the proceſs and proceidings of the ſaids Commiſſioners ſould be ratified in that pairt; and the ſaids greives and anſuers buried and obliterat, for continuance of peace and quyetnes in the Kirk.

Seſſio 8a. 11 Martij.

The brethren, after reviſeing of the haill proceidings of the Commiſſioners of the laſt Aſſemblie, ratifies, allowis, and approves [the ſame;] and ordaines the haill greives givin in, and anſuers made therto, to be buried and put out of memorie.

For better executioun of thair proceidings, the General Aſſemblie or-

daines Mrs Robert Rollock, David Lindſay, Robert Pont, Patrick Galloway, Johne Duncanſone, James Nicolſone, Thomas Buchannan, George Glaidſtanes, or any fyve of them, to conveine with his Majeſtie, to put the decreit of the ſaids Commiſſioners, anent the planting of Edenburgh, to farther executioun, and place the Miniſters of Edinburgh at thair particular flocks; ordaining lykewayes the Miniſters of Edenburgh to obey the ſaid decreit be accepting every one of them thair particular flocks, vnder the paine of deprivatioun from thair Miniſtrie; and in cace of diſſobedience on thair parts, and none acceptatioun of thair particular flockis, as ſaid is, that the ſaids Commiſſioners depryve them from thair function [of the Miniſtrie:] And therafter ordaines the ſaids Commiſſioners to plant the Kirk of Edenburgh with ſuch of the wyſeſt and moſt diſcreit of the brethren as they ſall think moſt meit, to the glorie of God and edificatioun of the particular flockis within the towne of Edenburgh; and in the meane tyme, quhill the ſaids Commiſſioners conveine for performing of the premiſſes, the brethren ordaines the Miniſters of Edenburgh to continue in the preaching of the Word and miniſtration of the ſacraments.

Seſſio 10a. 13 Martij.

Becauſe ſundrie of the brethren deſyrit to be ſatiſfied of his Majeſties mynd be his awin mouth toward certaine of the Miniſtrie, and in ſpeciall toward the Miniſtrie of Edinburgh, anent quhatſoevir thrawarts or accidents that hes fallen out thir two ȝeirs bygane; his Majeſtie, for making his mynd more cleirlie to be vnderſtood be the haill brethren, declarit himſelfe to be content and ſatiſfied with the Miniſtrie of Edinburgh; and that his Hienes did beare no grudge nor evill will to any of them for any accidents quhilk hes fallin out in any tyme bygane, and that the ſame ſould never be remembrit be his Majeſtie in any tyme comeing; bot that his Hienes and they, (to the quhilk the Miniſtrie of Edinburgh willinglie aggreit,) ſould never call any of theſe accidents fallin out in any tyme bygane to remembrance, neither make mentioun of the ſame in privat ſpeiches or publick ſermons, in any tyme heirafter.

The quhilk day, in preſence of the haill Aſſemblie, the Kings Majeſtie having declarit his advyce anent the neceſſitie of Commiſſioners, to be appointed be the Generall Aſſemblie, to awaite and concurre with his

Majeſtie for bringing to ane finall end, the longſome worke of the conſtant Platt for the planting of Miniſters at the principall burghes within this realme, in cace any of thir places ſall happin to vaike betuixt and the nixt Generall Aſſemblie; for awaiting on the Parliament, if any ſalbe, and craveing the redreſſe of ſick things quherwith the Miniſters ſall find themſelves greivit; and finallie, for redreſſing of ſick enormities, and awaiting vpon ſuch good occaſiouns, as may fall out before the nixt Generall Aſſemblie; deſyreing, therfor, that the brethren wald conſidder the neceſſitie forſaid, and according to their diſcretioun, whither if it were expedient, that ane commiſſioun ſould be grantit to certaine of the moſt wiſe and diſcreit of the brethren for the cauſes forſaids: The quhilk his Majeſties advyce the Aſſemblie thinks very neceſſar and expedient, and therfor hes givin and grantit, and, be the tenour heirof, gives and grants, thair full power and commiſſioun to Mrs Peter Blackburne, James Nicolſone, Andro Mylne, Alexander Dowglas, Johne Ramſay, Thomas Buchannan, David Fergufone, William Cranſtoun, George Glaidſtaines, Alexander Lindſay, Harie Livingſtoun, Robert Pont, David Lindſay, Robert Rollock, John Hall, Johne Clappertoun, Johne Knox, Gavin Hamiltoun, Andro Knox, his Majeſties and the Princes Miniſters, or any nyne of them, to conveine with his Majeſtie, at ſuch tyme and place as ſalbe found expedient; with power to them, or any nyne of them, to concurre with his Majeſtie, anent the ſetting downe and concluding of the ſolid grounds and fundament of the conſtant Platt, and quhat ſecuritie ſalbe made to the taxmen for the remnant of thair teinds: Quhilks grounds being ſett downe be them, they ſall make every Preſbytrie within this realme privie to the ſame; and in cace the ſaids Preſbytries, be thair Commiſſioners or be themſelves, after viſitatioun of the ſaids grounds and concluſiouns, ratifie and approve the ſame, with power to the ſaids Commiſſioners, or any nyne of them, to conveine therafter with his Majeſtie and [Lords of] the Privie Counſell, having the power of the Parliament to that effect, and there to put ane finall end and concluſioun to the conſtant Platt, and ſolid planting of every particular kirk within this realme; with power alſo to the ſaids Commiſſioners, or any nyne of them, to plant ſufficient Miniſters in the principall burghes within this realme, in cace the Miniſtrie therof ſall happin to vaike betuixt and the nixt Generall Aſſemblie, and in ſpeciall to take care anent the proviſioun of Miniſters to his Majeſties and the Princes houſes, the kirks of Newabbay, and Dumfreis; with power alſo to the ſaids Commiſ-

ſioners, or any nyne of them, to awaite vpon the Parliament, if any ſalbe befor the nixt Aſſemblie, and give in the greives of the ſamein, deſyrand them to be redreſt; and to give thair advyce to his Majeſtie, for avoyding or eſchewing of any danger or inconvenient quhilk may be licklie to fall out in prejudice of the Kirk: And lykewayes, in cace his Majeſtie find himſelfe greivit, or crave redreſſe of any enormitie done to his Hienes be any of the Miniſtrie, with power to them, or any nyne of them, to ſitt and cognoſce vpon the ſame, quherin, for thair better informatioun of the cryme or fact quhilk ſall happin to be committit, they ſall crave the advyce of the moſt diſcreit of the Preſbytrie quher the offender dwells, as they ſall think expedient, and therafter proceid in taking tryall of the fact be themſelves and conclude therin, as ſalbe moſt expedient to the glorie of God, and peace and quyetnes of the Kirk within this realme: And, finallie, with expreſſe power and command to the ſaidis Commiſſioners, to propone to his Majeſtie at thair conventiouns, the petitiouns and greives, aſweill of this Aſſemblie in generall, as of every member therof in particular, as ſalbe meinit vnto them, promittend de rato, &c.

Anent the forſaid commiſſioun grantit for redreſſe of ſuch things as ſall happin his Majeſtie to be offendit with in the perſon of any of the Miniſtrie: His Majeſtie declarit in preſence of the haill Aſſemblie, that albeit the haill power of cognoſceing of ſuch perſons, be devolvit in the perſons of the Commiſſioners, quho ſould concurre with his Majeſtie to that effect; nevirtheles, his Majeſtie mynds no wayes to trouble the Commiſſioners with any ſuch matters, vnleſſe firſt it be knowin notoriouſlie, that the Preſbytrie, quher the offender maks reſidence, both hes gottin knowledge of the fact, and either hes altogether neglectit the tryall therof, or els not ſatiſfied his Majeſtie with the puniſhment imponit to the offenders be them.

Seſſio 11a. Eodem die.

Forſameikle as the Commiſſioners of the Generall Aſſemblie, at the Parliament haldin in December laſt bypaſt, vpon ane earneſt zeale quhilk they did alwayes beare to the weill of the Kirk, had givin in certaine articles to the Lords of Parliament, concerning the libertie of the Kirk, and in ſpeciall had craveit that the Miniſtrie, as repreſenting the true Kirk of God within

this realme, and ſo being the third Eſtate in this realme, might have vote in Parliament according to the loveable acts and conſtitutiouns of before made in Parliament, in ſavours of the friedome and libertie of the holie Kirk; quhilks thair travells and indevores, proceiding alwayes vpon ane godly intentioun, they ſubmittit to the cenſures of this preſent Aſſemblie, deſyreing the brethren to allow or diſſallow the ſame, as they ſould think moſt expedient for the glorie of God and the eſtabliſching of the true religioun within this realme: Quhervpon the brethren being ryplie advyſit, allowit the honeſt and godlie intentioun of the Commiſſioners in craveing vote in Parliament [for the Miniſtrie,] as conforme and aggrieing to ſundrie vther acts of the Aſſemblies preceiding, in the quhilk it hes bein found expedient that the Kirk ſould [ſute] vote in Parliament.

Forſameikle as his Majeſtie is willing to vtter his good intentioun that he hes alwayes borne to the eſtabliſching of the true Kirk of God within this realme, declairit, that for the better performance thereof, his Hienes had aſſiſted the Commiſſioners of the laſt Aſſemblie in craveing vote in Parliament in name of the Kirk; quhilk thair ſute, albeit it was in ſome pairt, and [as it were] in a certaine manner, grantit be the Lords of Parliament; zet the acceptatioun therof, the forme, and haill circumſtances of the perſons, were referritt to this Generall Aſſemblie, to be acceptit or refuiſit as the Kirk ſould think expedient. And ſeing his Majeſtie had anticipat the appointit tyme of the Aſſemblie, and deſyred the brethren to conveine at this preſent time, eſpecially for the cauſe forſaid; therfor his Majeſtie deſyrit that the brethren wald enter in a particular conſideratioun of the haill points of the ſaid act in every particular point thereof; and firſt to reaſon, in publick audience of the haill Aſſemblie, whither it were lawfull and expedient, that the Miniſtrie, [as] repreſenting vndoubtedlie the Kirk within this realme, ſould have vote in Parliament, or not.

The ſaid queſtioun being at verie great lenth reaſonit and debaittit in vtramque partem, in preſence of the haill brethren, and therafter vottit, the Generall Aſſemblie votis, [finds,] and concludis, that it is neceſſar and expedient for the weill of the Kirk, that the Miniſtrie, as the thrid Eſtate of this realme, in name of the Kirk, have vote in Parliament.

Seſſio 12a. 14 Martij.

Concerning the number of the Miniſtrie that ſould have vote in Parliament in name of the Kirk, it was lykewayes concludit and thocht expedient, that als many of them ſould be choſin for the vote [in Parliament] as was wont of auld, in tyme of the Papiſticall Kirk, to be Biſchops, Abbots, and Pryours, that had the lyke libertie, viz. to the number of fiftie and ane, or therby.

Item, After reaſoning, it was vottit and concludit, that the electioun of ſick of the Miniſtrie as ſould have vote in Parliament, aucht to be of ane mixt qualitie, and appertaine partlie to his Majeſtie, and partlie to the Kirk. And becauſe, through ſhortneſs of tyme, the brethren could not be perfytelie reſolvit in the remanent heids and circumſtances concerning the office of him that ſould have vote in Parliament, viz. de modo eligendi; of his rent; of the continuance of his office, whither he ſould be choſin ad poenam, or not; of his name; of the cautions for preſervatioun of him from corruptiouns, and ſick vther circumſtances: Therfor the Aſſemblie ordaines every Preſbytrie to be rypelie and throughlie advyſit with the particular heids above wrytin; and therafter to convocat thair Synodall Aſſemblies through the haill countrey vpone ane day, quhilk ſalbe the firſt Tueſday of Junij nixt to come, and ther, after new reaſoning and advyſement of the particular heids above wrytin, that every Synodall chooſe out thrie of the wyſeſt of thair number, quho ſalbe readie vpon his Majeſties advertiſement, quhilk ſalbe vpon ane moneths warning at the leaſt, to conveine with his Majeſtie, together with Doctours of the Vniverſitie, viz. Mrs Andro Melvill, Johne Johnſtoun, Robert Rollock, Patrick Sharpe, Robert Howie, Robert Wilkie, and James Mertin, ſick day and place as his Majeſtie ſall think expedient, with power to them to treat, reaſon and conferre vpon the ſaids heids, and vthers pertaining thereto; and in cace of aggriement and vniformitie of opiniouns, to vote and conclude the haill queſtioun concerning vote in Parliament: vtherwayes, in cace of diſcrepance and variance, to referre the concluſioun therof to the nixt Generall Aſſemblie.

For better obſerving of the Preſbytries, It is ſtatute or ordainit, that every Preſbytrie ſall aſſemble themſelves once ordourly, ilk weike in thair full number, at the leaſt ſo many of them as hes thair reſidence within aucht myles to the place of the ordinar conventioun of the Preſbytrie.

That every member of the Preſbytrie ſtudie the text quhervpon the exercife is to be made.

That a commoun heid of religioun be intreattit every moneth in ilk Preſbytrie, both be way of diſcourſe and diſputation.

That every Paſtour have ane ouklie exercife of inſtructioun and examinatioun of ane part of his congregatioun in the Catechiſme.

Quhilks haill heids are ordainit to be obſervit vnder the paine of incurring the cenſures of the Kirk.

Seſſio ultima. Eodem die.

Anent the Proteſtatioun given in be Mr John Davidſone, for himſelfe and in name of certaine brethren, as he alledgit, proteſting, that this preſent Aſſemblie was not ane frie Aſſemblie; quhilk his Proteſtatioun he deſyrit to be inſert in the bookes of the Aſſemblie.

It being inquirit be the Moderatour, if any man wald adhere to the ſaid Proteſtatioun: There was none found that wald adhere to the ſame, nor was of the ſaid Mr John his opinioun thereanent; and therfore the brethren diſchargeit the Clerk to inſert the ſame in the books of the Aſſemblie.

The brethren having red and conſiderit the paines and travells takin be Mr Patrick Sharp, Principall of the Colledge of Glaſgow, and his Leſſouns vpon the Catechiſme and grounds of religioun, allowis of the ſame, and thinks them very neceſſar and profitable; and therfor ordaines them to be printit.

Becauſe the queſtioun anent ſummar excommunicatioun, for lake of tyme, cannot be commodiouſly intreatit at this preſent, therefor the brethren continewis the ſame quhill the next Aſſemblie: in the meane tyme ſuſpends all ſummar excommunicatioun.

Becauſe ther hes bein no ordour ſett downe hitherto anent the number of Commiſſioners [to be] direct from every Preſbitrie to be ſent to the Generall Aſſemblie, Therfor it is ſtatute and ordanit, that, in all tyme comeing, thrie of the wyſeſt and the graveſt of the brethren ſalbe direct from every Preſbytrie at the moſt, as Commiſſioners to every Aſſemblie; and that none preſume to come but commiſſioun, except they have a ſpeciall complaint; and that the Clerk of the Aſſemblie take heid to receive no more in commiſſioun bot thrie allanerlie, as ſaid is; and lykewayes that ane be direct from every Preſbytrie in name of Barrones, and ane out of every

burgh except Edinburgh, quhilk ſall have power to direct two Commiſſioners to the Generall Aſſemblie.

Anent the ſupplicatioun givin in be the Towne of Dundie, craveing ane vther Miniſter to be appointit to them in place of William Chryſteſone, quho through age is not able to diſcharge his calling: The brethren thocht their deſyre reaſonabill; and having appointit on the leits Mrs Johne Hall, Miniſter at Leith, and Robert Howie, Principall of the New Colledge of Aberdein, be pluralitie of vottis, Mr Robert Howie was choſin to be Miniſter at Dundie, and ordainit to be tranſportit with all poſſible diligence.

Becauſe it was reportit that the Miniſtrie of Orknay had dilapidat thair benefices be fetting of tackis of the rent of the ſame, to the great hurt and prejudice of the kirks, Therfor it is ſtatute and ordainit, that none of the Miniſters of Orknay or ȝetland ſett any tacks of any part of the fruites of thair benefices, nor ȝet give thair conſent to the tackis that ſalbe ſett be vthers, in any tyme comeing, vnder the paine of deprivatioun.

Becauſe it was reportit be certaine of the brethren, that notwithſtanding of the actis of the Aſſemblies proceiding againſt ſaillors and traffiquers with Spaine, the ſaid traffique was not intermittit, Therfor the Aſſemblie ordaines the acts made anent the ſaids traffickers to be put to farther executioun in all points, but any reſpect of perſons.

The Aſſemblie hes ordainit the Preſbitries of Dundie and Arbroth to ſummond befor them the Counteſſis of Huntlie, Sutherland, and Cathnes, to ſubſcryve the Confeſſioun of Faith, vnder the paine of excommunicatioun; quhilk ſummounds ſalbe execute be Mr William Paip, quho ſall ſummound the Ladie Cathnes; Alexander Dowglas, the Ladie Huntlie; and George Monro, the Ladie Sutherland.

The brethren ordaines the nixt Generall Aſſemblie to be haldin at Aberdein, the firſt Tueſday of July 1599 ȝeirs.

[By the Kings Proclamations the next General Aſſembly was appointed to be holden at Montroſſe in March. C.]

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was lyke to ceafe, and to crave that fome remeid may be provydit therto.

Forfameikle as it was regratit, that the act made in the laft Affemblie, anent the ordinar keiping of Prefbytries, and the reforting therto, was not regardit be fundrie of the Miniftrie, and fpeciallie be them of the Prefbitries of Air and Irwing: Therfor the Generall Affemblie ordaines the faid act to be put to executioun in all points, throughout all the Prefbitries within this realme; and quhofoevir contemnes and violats the famein, after twyfe admonitioun, that he be fufpendit from his miniftrie: ordaining the vifitors, that falbe appointit fra this Affemblie, to report to the nixt Affemblie quhat diligence they find done, tuiching the keiping of the faid act.

Seffio 3a. 19 Martij.

Anent the fupplicatioun givin in be the Synodall of Galloway, making mentioun, that quher they had ane act for the erecting and bigging of ane kirk at the burgh of Stranrawer, within the Prefbitrie of Wigtoun, and annexatioun therto of the 20 pound land of the parochine of the Inche, lyand towards the coaft of Ireland, pertaining to the Lairds of Garthland, Stranrawer, Kinhilt, and Sorbie, with the 29 mark land of the parochin of Salfett, the fyve mark land of Auchterlure, and fyve mark land of Stranrawer, as being moft commodious for the inhabitants of the faid lands, for reforting to the faid kirk for heiring of the Word; vnto the quhilk erectioun and annexatioun forfaid, the heritours and kyndlie tennents of the faids lands, hes alreadie givin thair confent: defyreand, therfor, the Generall Affemblie will ratifie and approve the fame, as at mair lenth is conteinit in thair fupplicatioun. The Generall Affemblie [ratifies and] approves the erecting [and annexatione] forfaid, of the faid Synodall of Galloway in all points.

Becaufe the generall queftioun was proponit to the haill Affemblie, quher congregatiouns are fo fpatious, that a great part therof may not commodiouflie refort to thair awin paroch kirk, be reafon of the great diftance of thair habitatioun therfra, If it be lawfull to ane number of the faid congregatioun to big ane new kirk, and intertaine a Paftor at the fame

vpon thair awin expenſſis: The Generall Aſſemblie, after lang reaſoning, thinks it both lawfull and expedient, and declares they will aſſiſt the ſamein as a godlie wark, and will crave the ſamein to be ratified in Parliament, how ſo oft it ſall occurre.

Becauſe it was reportit, that a great number of gentlemen, and vthers of this realme, wilfullie and obſtinatelie abſtaines from the holie communioun; ſome vnder collour of deadlie feids, and ſome for ſome vther licht cauſes: Therfor, for remeid of the ſaid abuſe, it is ſtatute and ordainit, That all Preſbitries, within this realme, give expreſſe charge and command to every particular Miniſter within thair bounds, charging them to take vp the names of all them within thair parochines, quho hes not communicat ilk ȝeir anes at the leiſt; and therafter ſummond them [to compeir] befor the Preſbitrie, to heir and ſie themſelves decernit to communicat within thrie monethis nixt after the charge; certifieand them and they failȝie, the act of conventioun made aganis non communicants ſalbe put to executioun aganis them: quhilk being done, and the ſaids perſons, non communicants, remaining obſtinate, and the ſaidis thrie monethis expyred, that the Preſbitries delate the names of the ſaids non communicants to the Kings Maieſtie, to the intent the forſaid act of conventioun made againſt non communicants may be put to executioun aganis them: And in the parochin quher ther is no Miniſter, that this ordour be ſupplied be the Preſbitrie within the quhilk the ſaid paroch lyes.

Forſameikle as it was heavilie lamentit in the Kings Maieſties preſence, that quhenas ſundrie of the Miniſtrie were occupied in thair lawfull calling, in perſewing malefactours, ſuch as adulterers, murtherers, and vther ſlanderous perſons, vrging them to purge [themſelves of] the ſlanders committit be them, conforme to the ſtatutes of the Kirk, daylie obſervit within this realme, that at ſuch tymes they were drawin from thair calling, and chargit to compeir befor the Secreit Counſell, be letters privielie obtainit vpon falſe narratives be the ſaids ſlanderous perſons; quherby not only were they diſtractit from thair lawfull functiouns, but alſo the diſcipline of the Kirk and puniſhment of vyce [was] greatlie [neglectit and] contemnit: Therfor the brethren of the Aſſemblie moſt humblie requeiſts his Maieſtie not to ſuffer ſuch contempt of the diſcipline of the Kirk, quherby the brydle wald be louſit to all impietie and licentious living.

To the quhilk his Maieſtie promiſt, that, in tyme comeing, no letters ſould

be direct from the Secreit Counſell, at the inſtance of any perſon, aganis any Miniſter in particular, or any Preſbitrie in generall, for quhatſoevir thing he or they ſall doe in the executioun of their offices, befor the perſon, requyrer [of the ſaids letters,] produce ane teſtimoniall under forme of ane inſtrument de denegata juſtitia of the Miniſter or Preſbytrie judge ordinar.

Seſſio 4a. Eodem die, poſt meridiem.

The brethren appointit to awaît vpon the Kings Maieſtie, for advyſeing of ſuch articles as ſould be cravit of the nixt Conventioun for taking ordour with Jeſuits, Papiſts, Seminarie Prieſts, &c., hes, with the Kings Maieſties advyſe, formed the articles vnderwrytin, to be givin in to the nixt Conventioun.

1. That all Jeſuits and Seminarie Prieſts, excommunicat and trafficking Papiſts, that ſall happin, in any tyme comeing, to returne within the countrey, or that are preſentlie within the countrey, ſall, immediatlie after thair delatioun to his Maieſtie, be apprehendit and put in ward, ther to be deteinit ay and quhill they be convertit to the religioun, or els puniſchit according to the acts of Parliament, or els removit aff the countrey.

2. That the reſetters of obſtinate excommunicat Papiſts, and thair cheiſe friends and acquaintances, in whoſe houſes they haunt, be chargit to find catioun, vnder a pecuniall paine according to thair abilitie and rank, that they ſall no way receit nor intertaine the ſaid excommunicats.

3. That all excommunicat Papiſts be chargeit to ſatiffie the Kirk within the ſpace of thrie monethis, vnder the paine of horning; and if they failzie, to be denuncit therto, that thair eſcheitts and lyferents, in cace of zeir and dayes rebellioun, may be intromettit with be his Maieſties Theſaurer, and not diſponit to any donatour.

4. That the Marqueis of Huntlie be chargeit to [exhibit and] preſent before his Maieſtie and Secreit Counſell, John Gordoun of Newtoun, Patrick Butter, and Alexander Leſlie, according to his band, that they may be committit to ward ay and quhill they ſatiffie the Kirk.

Bonytoun Zonger, alledgit reſident within the Preſbitries of Ellon, Aberdeine, and Breichin, is ordainit be the General Aſſemblie to be conveinit befor the Preſbitrie of Brechin, and ther to offer his ſatiffactioun as to his judges ordinar.

Tarwes, and Methlik, kirks of the Synodall of Aberdeine, vpon the xj day of November 1597 ȝeirs, with mutual confent of the parochiners, and heritours of the lands to be interchangit and annexit, with confent of the faid Synodall, excambit certaine lands, and annexit them in refpect of the farre diftance from thair awin paroch kirks, and contiguitie to the kirks quhervnto they are annexit, but prejudice alwayes of thair rents of the Perfonage and Viccarrage of the faids lands, to be payit to the auld Perfons and Viccars, as befor the faid excambion. The Generall Affemblie, at the defyre of the faid Synodall, ratifies and approves the faid excambion and alteratioun in all points, and ordaines the famein to take full effect.

Forfameikle as diverfe and great inconveniences arifes daylie through the vntymeous marriage of ȝoung and tender perfons befor they come to age meit for marriage; and that ther is no law, nor ftatute of the Kirk, [made] as ȝet defyning the age of perfons to be married: Therfor it is ftatute and ordainit, that no Minifter within this realme prefume to joyne in matrimonie [any perfones], in tyme coming, except the man be of fourtein ȝeirs, and the woman of twelve ȝeirs at the leift: ordaining lykewayes the Commiffioners of the Generall Affemblie to defyre this ftatute to be ratified in the Conventione.

Anent the queftioun, Whither a man being blind may difcharge all the parts of the office of a Paftor; and in fpeciall anent the admiffioun of Mr Johne Boyle to the miniftrie of Jedburgh, being blind: The Affemblie referres the anfuer of the generall queftioun to the next Generall Affemblie.

And as to the admiffioun of the faid Mr Johne, referris it to the Commiffioners of the faid Generall Affemblie; and in the meanetyme difcharges the faid Mr Johne fra vfing any part of the office of a Paftour, except the preaching of the Word.

Becaufe the mariage of perfons convict of adulterie, is a great allurement to maried perfons to committ the faid cryme, thinking therby to be feparate from their awin lawfull halfe marrowes, to injoy the perfons with quhom they have committit adulterie: for efchewing quherof, the Generall Affemblie thinks it expedient, that ane fupplicatioun be givin in to the nixt Conventioun, craveand ane act to be made, difchargeand all mariages of fuch perfons as are convict of adulterie; and that the famein be ratified in the nixt Parliament: ordaining the brethren appointit to awaite vpon the nixt Conventioun to give in this article with the reft.

Seſſio 6a. 20 Martij, poſt meridiem.

Forſameikle as, in the laſt Aſſemblie, ther was commiſſioun givin to every Synodall within this realme, to elect and chooſe out thrie of the wyſeſt of thair number, to be readie vpon his Majeſties advertiſement, and to conveine with his Hienes, and treat vpon ſuch heids, concerning vote in Parliament, as were not condiſcendit vpon in the laſt Aſſemblie, and, in cace of agriement, to conclude the haill matter; vtherwayes to referre the ſame to the nixt Aſſemblie, as at mair lenth is conteinit in the ſaid commiſſioun: conforme to the quhilk, the ſaids Commiſſioners being conveinit at Falkland, the 25 day of Julij 1598, they being rypelie advyſit with the heids following, gave thair advyce and concluſioun, as follows:

1. Concerning the maner of chooſing of him that ſall have vote in Parliament in name of the Kirk: It is condiſcendit vpon, that he ſall firſt be recommendit be the Kirk to his Majeſtie; and that the Kirk ſall nominat ſixe for every place that ſall have neid to be filled, of quhom his Majeſtie ſall chooſe ane, of quhom he beſt lykes; and his Majeſtie promiſes, obleiſes, and binds himſelfe to chooſe no vther but ane of that number: And in cace his Majeſtie refuſes the haill vpon ane juſt reaſon of ane inſufficiency, and of greater ſufficiencie of vthers that are not recommendit, the Kirk ſall make ane new recommendatioun of men according to the firſt number, of the quhilk, ane ſalbe choſin be his Majeſtie without any farther refuiſall or new nominatioun; and he that ſalbe choſin be his Majeſtie, ſalbe admittit be the Synods.

2. It is concludit, that the Generall Aſſemblie ſall have the nominatioun or recommendatioun of him that, in the name of the Kirk, ſall vote in Parliament, quho ſall take the advyce of the Synods and Preſbytries theranent, direct from them in wryte: and the Synod ſall have libertie to nominat aſweill within thair province as without; provyding that there be a man within the province meit for the place, cæteris paribus, he be preferrit to another.

3. Anent his rent: It is advyſeit, with one conſent, that the Kirk being plantit ſufficientlie, the Colledgis and Schooles alreadie erectit not prejudgeit, that the Kings Majeſtie ſall provyde him to all the reſt that may be obtainit of that benefice, quherto he is preferrit.

As to the cautions to keip him, that ſall have vote in Parliament, from corruptiouns: They be theſe following:

1. That he preſume not, at any tyme, to propone at Parliament, Counſell, or Conventioun, in name of the Kirk, any thing without expreſſe warrand and directioun from the Kirk, and ſick things as he ſall anſwer [for] to be for the weill of the Kirk, vnder the paine of depoſitioun from his office: neither ſall he conſent, or keip ſilence, in any of the ſaids Conventiouns, to any thing that may be prejudiciall to the weill and libertie of the Kirk, vnder the ſamein paine.

2. He ſall be bound, at every Generall Aſſemblie, to give ane accompt anent the diſcharge of his commiſſioun ſen the Aſſemblie gangand befor; and ſall ſubmitt himſelfe to thair cenſure, and ſtand at thair determinatioun quhatſumever, without appellatioun; and ſall ſeik and obtain ratificatioun of his doings at the ſaid Aſſemblie, vnder the paine of infamie and excommunicatioun.

3. He ſall content himſelf with that part of the benefice quhilk ſalbe givin in be his Majeſtie for his living, not hurting nor prejudging the reſt of the Miniſters of the kirks, within his benefice, plantit or to be plantit, or any vther Miniſter [of the countrie] quhatſumever; and this claus to be inſert in his proviſioun.

4. He ſall not delapidat in any wayes his benefice, neither make ſett nor diſpoſitioun therof, without the ſpecial conſent of his Majeſtie and Generall Aſſemblie: and for the greater warrand heirof, he ſall interdyte himſelfe not to delapidat his benefice, nor conſent to delapidatioun thereof made be vthers to the Generall Aſſemblie; and ſalbe content that inhibitiouns be raiſed on him to that effect.

5. He ſalbe bound faithfullie to attend vpon his awin particular congregatioun, quherat he ſalbe Miniſter, in all the points of a Paſtor; and heiranent ſalbe ſubiect to the tryall of his awin Preſbitrie and Provinciall Aſſemblie, as any vther Miniſter that beares not commiſſioun.

6. In the adminiſtration of diſcipline, collatioun of benefices, viſitatioun, and all vther points of eccleſiaſticall government, he ſall neither vſurpe nor acclaime to himſelfe any power or juriſdictioun farther than any vther of the reſt of his breither, unleſſe he be imployit be his breither, vnder the paine of deprivatioun: And in cace he vſurpe any part of eccleſiaſticall governement, and the Preſbitrie, Synodall, or Generall Aſſemblie, oppone

or make any impediment therto; quhatſoevir he doe, after that impediment, to be null, ipſo facto, without any declaratour.

7. In Preſbitries, Provinciall and Generall Aſſemblies, he ſall behave himſelfe in all things, and be ſubject to their cenſureing, as any of the brethren of the Preſbitrie.

8. At his admiſſioun to his office of Commiſſioner, thir and all vther points neceſſar he ſall ſweare and ſubſcryve to fulfill, vnder the paine of the penalties forſaids; and vtherwayes not to be admittit.

9. And in cace he be depoſit be the Generall Aſſemblie, Synod, or Preſbitrie, from his office in the Miniſtrie, he ſall alſo tyne his vote in Parliament, ipſo facto, and his benefice ſall vaik.

And farther cautions to be made as the Kirk pleaſes and finds occaſioun.

Anent his name that for the Kirk ſall [have] vote in Parliament: It is advyſeit, be vniforme conſent of the haill brether, that he ſalbe callit Commiſſioner of ſuch a place; and in cace the Parliament, be his Majeſties moyen, be induceit to acknowlege that name, it ſall ſtand ſo: if not, the Generall Aſſemblie ſall conclude this queſtioun anent his name.

The queſtioun being demandit, Whither the commiſſioun of him that for the Kirk [ſall vote in Parliament,] ſould indure for his lyfe tyme, except ſome cryme or offence interveine, or for a ſhorter tyme at the pleaſure [of the Kirk]: The Commiſſioners of the Provinciall Aſſemblies being of diverſe opiniouns, thoght good to referre this queſtioun to the nixt Generall Aſſemblie.

Quhilks haill concluſiouns being red in preſence and audience of the haill Aſſemblie, and they being rypelie advyſeit therwith, ratified, allowit, and approvit the ſamein; and thocht expedient that the ſaid cautiouns, together with ſick vthers as ſalbe concludit vpon be the Aſſemblie, be inſert in the bodie of the act of Parliament, that is to be made for confirmatioun of vote in Parliament to the Kirk, as moſt neceſſar and ſubſtantial parts of the ſamein.

Anent the ſupplicatioun givin in be James Leirmonth, zonger of Dairſie, James Kynninmonth of that ilk, Johne Traill of Blebo, for themſelves, and in name of thair tennents, and vthers, parochiners of the paroch of Sanct Androes, makand mentioun, That albeit they are parochiners of the ſaid paroch kirk, lykeas they and thair predeceſſours hes bein [continually ſubject to the diſcipline of the ſaid kirk, and hes been] ever readie to vnderly

quhatſoevir burdein was impoſit for furtherance of the ſaid kirk, and concurre with the reſt of the parochiners, according to thair rent and portioun of the ſaid paroch: nevertheles the Miniſtrie and Seſſioun of the ſaid kirk refuſes to ſuffer them and thair ſaids tennents to enjoy the benefits of the Kirk with the remanent of the ſaid paroche; but debarres them from the heiring of the Word, receiving of the ſacraments, and benefite of marriage, within the ſaid kirk of Sanct Androes, but any reaſonable cauſe: Deſyreand, therfor, ane command to the Miniſtrie and Seſſioun of the ſaid kirk of Sanct Androes to admitt the forſaids perſons and thair vaſſalls to the hearing of the Word in the ſaid kirk of Sanct Androes, and the injoying of the haill remanent benefites of the Kirk, as at mair lenth is conteinit in the ſaid ſupplicatioun.

The Generall Aſſemblie having conſidderit the premiſſes, commands and ordaines the Miniſtrie and Seſſioun of the ſaid kirk of Sanct Androes to admitt the ſaids complainers, and thair vaſſalls and tennents, parochiners of the ſaid kirk, to the hearing of the Word, mariage, and receiving of the ſacraments of the Kirk, within the ſaid kirk of Sanct Androes, as thair proper paroch kirk, in all tyme comeing, ay and quhill thair awin conſent be obtainit in the contrair.

Seſſio 7a 21 Martij.

Anent the ſupplicatioun givin in be the parochiners of Tulliebodie, make-and mentioun, Albeit the ſaid paroch of Tulliebodie be ane auld paroch, ſeparate from all vthers, having within itſelfe the number of foure or fyve hundreth communicants or thereby, and payes thair teinds to the Abbot of Cambuſkenneth, quho rigorouſlie exacts the ſame: Nevertheleſſe the Preſbitrie of Striveling hes, be thair ordinance, commandit the ſaid kirk of Tulliebodie to be vnittit to the Chappell of Alloway moſt wrangouſlie; ſeeing the ſaids complainers, be ane anterior command of the ſaid Preſbitrie, not only reedified thair ſaid Kirk of Tulliebodie, but alſo, vpon thair awin charges, furniſchit a Paſtor to the ſaid kirk; lykeas zet they are moſt willing to doe, notwithſtanding thair teinds are moſt wrangouſlie led away be the ſaid Abbot, as ſaid is: deſyreing, therfor, thair ſaid ſupplicatioun to be conſidderit, and the ſaid unioun to be diſſolvit, as, at mair lenth, is conteinit in the ſaid ſupplicatioun.

The brethren of the Prefbitrie of Striveling being callit to give a reafon of this thair vnioun of the faid kirks, anfuerit, That the caufe moving them was, Firft, That both the faids parochines lay verie commodiouflie to the faid kirk of Alloway: Secondlie, That the number of both the faids parochines wald make but one fufficient congregatioun: Thirdlie, That ther could not be ane ftipend obtainit to the faid kirk of Tulliebodie, in fo farre that at the defyre of the faids complainers, ther being ane Paftour appointit to the faid kirk, vpon promife that they wold furnifch him a fufficient ftipend, he was forcit, for povertie, for to leave them: quheras, be the contrair, be the vnioun of the faid two kirks, the Erle of Marre furnifches a fufficient ftipend to ane Paftour, refident at the fame.

The Generall Affemblie having confidderit the premiffes, ratifies and approves the vnioun of the faids kirks of Alloway and Tulliebodie, and ordaines Alloway to be the paroch kirk in all tyme coming.

Anent the fupplicatioun givin in be the Prefbitrie of Deir, makand mentioun, that quher the Laird of Phillorth having erectit ane Colledge vpon the towne of Fraferburghe, and aggreit with Mr Charles Ferme to be both Paftour of the faid burgh, and Principall of his Colledge; quhilk burdein the faid Mr Charles refufes to accept vpon him, without he be commandit be the Generall Affemblie: Defyreand, therfor, ane command to be givin to the faid Mr Charles to accept both the faid charges, as at mair lenth is containit in the faid fupplicatioun:

The Generall Affemblie having at length confidderit the neceffitie of the faid wark, and how the faid Laird of Phillorth hes refufit to intertaine a Paftour at the faid kirk, vnleffe he vndertake both the faid charges, Therfor commands [and charges] the faid Mr Charles Ferme to vndertake and awaite vpon, afweill the faid kirk, as to be Principall of the Colledge of Fraferburghe.

Seffio 8a. Eodem die.

Forfameikle as the Commiffioners of the Synodalls conveinit at Falkland, the 25 of Julij 1598 zeirs, being of diverfe opiniouns concerning the continuance of his commiffioun that fall have vote in Parliament, Whither he fould indure for his lyfetyme, except fome cryme or offence interveine, or

for a ſhorter tyme, at the pleaſure of the Kirk, they thocht good to referre the ſame to this preſent Aſſemblie: Therfor the Generall Aſſemblie having reaſonit at length the ſaid queſtioun, tuiching the continuance of him that ſall have vote in Parliament, after votting of the ſame, finds and decernes, that he ſall annuatim give count of his commiſſion obtainit from the Aſſemblie, and lay downe the ſamein at thair feitt, to be continuit or alterit therfra be his Maieſtie and the Aſſemblie, as the Aſſemblie, with conſent of his Maieſtie, ſall think moſt expedient for the weill of the Kirk.

It is ſtatute and ordainit, that nane of them that ſall have vote in Parliament, ſall come as Commiſſioners to any Generall Aſſemblie, nor have vote in the ſame in any time comeing, except he be authorizit with a commiſſion from his awin Preſbitrie to that effect.

It is found be the Aſſemblie, that crimen ambitus ſalbe a ſufficient cauſe of deprivation of him that ſall have vote in Parliament.

It is ſtatute and ordainit, that every Miniſter intimat this Generall Aſſemblie, that the vote in Parliament is concludit be the Aſſemblie; and that nane vtter ſpeich in pulpitt contrair the ſame.

Forſameikle as it hes bein found neceſſar of before, and profitable for the weill of the Kirk, that certaine Commiſſioners be appointit fra Aſſemblie to Aſſemblie, whoſe ſpeciall care and travell ſould be to give thair advyce to his Maieſtie in all affaires concerning the weill of the Kirk, and intertainment of peace and concord betuixt his Maieſtie and the Kirk: Therfor the Generall Aſſemblie, continowing in that ſame courſe, hes givin and grantit, lykeas be the tenour heirof gives and grants, thair full power and commiſſioun to Mrs Johne Strachane, James Nicolſone, Andro Mylne, Alexander Forbes, Alexander Dowglas, Robert Howie, James Melvill, Johne Caldcleuch, Robert Wilkie, Harie Livingſtoun, Alexander Lindſay, George Glaidſtanes, Robert Pont, David Lindſay, Robert Bruce, Johne Hall, Johne Clappertoun, Johne Knox, Andro Lamb, James Lowſone (Law?) Johne Spottiſwood, Gawin Hamiltoun, David Barklay, Andro Knox, with the Kings Maieſties Miniſters, or any nine of them; Giveand, grantand, and committand to them thair full power to plant ſuch kirks in Burrogh Townes as are deſtitute of Paſtours; and in ſpeciall, the kirk of Leith, in place of Mr Johne Hall laſt removit therfra, and the ſouthweſt kirk of Edinburgh, vaikand be the deceis of vmquhile Mr Robert Rollock: to preſent the greives of this preſent Aſſemblie to the nixt Con-

ventioun, and to receive the anſuers of the ſamein. And lykewayes, in cace his Maieſtie find himſelfe greivit at any enormities committit be any of the Miniſtrie, to try and cognoſce vpon the ſamein, and take ſick ordour theranent as ſalbe meiteſt to the glorie of God, and weill of the Kirk; to advyſe with his Maieſtie anent the effectuating of the conſtant platt: Promitten de rato &c.

Thir are the Commiſſioners appointit to await on the Conventioun; Mrs David Lindſay, Robert Bruce, James Nicolſone, Andro Lamb, William Couper, Alexander Lindſay, Johne Spottiſwood, with the Kings Maieſties Miniſters.

Becauſe it was vnderſtand be the Aſſemblie, [that Mr Andrew Lamb,] Miniſter at Aberbrothok, was licklie to be tranſportit to ſome vther flock, quher his gifts micht profite the Kirk in ſome greater aboundance: Therfor the Generall Aſſemblie gives licence to the ſaid Mr Andro Lamb to be tranſportit from the ſaid kirk of Aberbrothok.

The ſaid day, the Generall Aſſemblie receivit and admittit Mr Thomas Hope to be Soliſter for the Kirk in place of James Mowat; quho being perſonallie preſent, dimittit the ſame in the Aſſemblies hands, after the ſaid Mr Thomas had givin his oath of fidelitie in the ſaid office.

Anent the proceſſe of appellatioun perſewit be James Lord Lindſay of the Byres, and remanent gentlemen and parochiners of the paroch kirk of Seiris, aganis the Preſbyteries of Couper and Sanct Androes, concerning the admiſſioun of Mr Robert Buchannan, Proveſt at Kirkheuch, to the Miniſtrie [at the kirk] of Seiris, and tranſportatioun of him from the kirk of Forgane in Fyfe: The brethren appointit to viſite the ſaid proceſs, having made thair report to the haill Aſſemblie, the rights, reaſons, and allegatiouns of all the ſaid pairties beeand [heard and] conſidderit, The General Aſſemblie decernes and ordaines the ſaid Mr Robert to remaine Miniſter at tke ſaid kirk of Seiris: And ſick lyke gives thair power and commiſſioun to Mrs James Melvill, Robert Wilkie, James Nicolſone, Alexander Lindſay, and William Scott, giveand them power to elect and chooſe out a diſcreit man, with conſent of the ſaids parochiners of Seiris, to be adjoinit to the ſaid Mr Robert as Miniſter and fellow helper with him at the ſaid kirk of Seiris; with power alſo to them to modifie how mikle of his ſtipend ſalbe modified [payit?] be the ſaid Mr Robert, and how mikle be the ſaids parochiners of Seiris. And in ſpeciall, the Aſſemblie

recommends vnto them thair brother, Mr William Symſone, Miniſter at Bruntiland.

Forſameikle as there are diverſe parts of the countrey, that, for lake of viſitatioun, are become almoſt deſolate, Therefor the Generall Aſſemblie hes thocht good that certaine viſitours be directit for viſiteing of the bounds of Kirkudbright and Wigtoun, Mrs David Barklay, Alexander Scrymgeour, and Nathan Inglis; of the bounds of Murray, Mrs George Hay and Andro Crombie; of the bounds of Orknay and Cathnes, Mrs Robert Pont, John Monro elder, and John Monro ȝonger; of the bounds of Roſſe, Mrs Alexander Dowglas, Johne Carmichaell, and William Scott; and for Nitheſdaile, Mrs Robert Wallace and Johne Welſche: with power to them to inquyre in the lyfe, doctrine, and qualificatioun of the Miniſtrie within the ſaids bounds; to try the ſayers and heirars of meſſe within the ſamein: with power alſo to plant and tranſport Miniſters to ſuch places as they ſall think moſt expedient for the glory of God and weill of the Kirk; and to report to the nixt Aſſemblie.

Becauſe the Iland of Errone lyes moſt commodious and adjacent to the Preſbitrie of Irvin, Therfor the Generall Aſſemblie annexis the ſame to the ſaid Preſbitrie.

Anent the ſupplicatioun givin in be the Preſbitrie of Migle, makand mentioun, That ſeeing the ſaid Preſbitrie had vnited the kirks of Eſſie and Neua to be and remaine a congregatioun vnder the charge of ane Paſtour, at ane kirk to be biggit in the mids of the ſaids two parochines; partlie in reſpect of the fewnes of the number [of] both the ſaids parochines, not extending [to] the number of fyve hundreth perſons; partlie in reſpect of the commoditie of the place, ſeeing the ſartheſt part of both the ſaids parochines will not be diſtant halfe a myle from the place, quher the ſaid kirk ſould be biggit; and partlie in reſpect of the impoſſibilitie of moyen to ſuſtaine two ſundrie Miniſters at the ſaids two kirks: Deſyreing, therfor, ane ratificatioun of the vnioun in this Aſſemblie, together with a command to the brethren direct to the Eſtates conveinit at Perth, to crave the ſamein to be ratified in the ſaid Conventioun, as at mair lenth is conteinit in the ſupplicatioun:

The Generall Aſſemblie ratifies and approves the vnioun forſaid; and ſicklyke [ordaynes] the brethren appointit to gang to the Conventioun at Perth, to crave the ſaid vnioun to be ratified in the ſaid Conventioun.

Anent the appellatioun perſewit be the Preſbitrie of Dumfermling fra

the decreit pronuncit be the Synodall of Fyfe, haldin at Couper the 6 of Marche 1598, finding that the ſaid Preſbytrie had done wrong in planting of the kirk of Dalgatie with hurt and prejudice of the Kirk of Aberdoure, being the moſt great and populous congregatioun, and the haill ſtipend being but a meane ſtipend, and therfor decernand the haill ſtipend to remaine with the kirk of Aberdoure: The ſaid Preſbytrie of Dumfermling com peirand be Mr Johne Fairfull, Miniſter of Dumfermling, thair Commiſſioner, and the Commiſſioners of the Synodall of Fyfe being lykewayes preſent, with the Commiſſioners of the Towne of Aberdoure, the rights and reaſones of both the ſaids parties hard and conſidderit, The Generall Aſſemblie decernes and ordaines Mr William Patoun, Miniſter at Dalgatie, to ſerve the cure of both the ſaids kirks of Aberdoure and Dalgatie, and to have aſſignit to him for his ſervice thereat, the haill auld ſtipends of Aberdoure and Dalgatie befor the diviſioun therof, for the crope and ȝeir of God 1599, and ȝeirlie in tyme comeing, ay and quhill ſufficient proviſioun may be gottin for planting of both the ſaids kirks.

The Generall Aſſemblie grants libertie to Mr William Symſone, Miniſter at Bruntiland, to tranſport himſelfe from the ſaid kirk, in reſpect he hes ſervit therat thir many ȝeirs bygane, but any ſtipend; and the Queines Maieſtie and her Chamerlanes, quho was in vſe of payment of before of the Miniſters at the ſaid kirk, refuſes to make payment to the ſaid complainer of the ſamein: and therfor recommends him to the Synodall of Fyfe, to have conſideratioun of him in planting of their kirks.

The nixt Generall Aſſemblie is appointit to be haldin at Sanct Androes the laſt Tueſday of Julij 1601.

[The General Aſſemblie appointit to be hauldin at Sanct Andros was be the Kings proclamation at Mercat croſſes, commanded to be keipit with him at Brunteyland in the monethe of May. C.]

A. D. M.DCI.

THE Generall Aſſemblie of the Kirk of Scotland, haldin at Bruntiland, the 12 day of May 1601 zeirs. In the quhilk the Kings Majeſtie with his Commiſſioners of the Nobilitie and Burrowes, were preſent.

Seſſio 1a.

Exhortatioun being made be Mr Robert Wilkie, Moderatour [of the laſt Aſſemblie,] the brethren proceidit to the electioun of ane new Moderatour: and Mrs Patrick Galloway, Patrick Simſone, Patrick Sharpe, Johne Hall, and James Robertſon, being put on leits; be pluralitie of votes Mr Johne Hall was choſen Moderatour hac vice.

Seſſio 2a. 14 Maij.

The quhilk day the brethren having entrit in conſideratioun of the generall defectioun from the puritie, zeale, and practiſe of trew religioun in all eſtates of the countrey; and how that the ſame muſt of neceſſitie, at laſt, be concludit either in Papiſtrie or Atheiſme, within ſhort ſpace, in the righteous judgement of God, except ſome ſubſtantious remeid be provydit therto in tyme; and becauſe the evill cannot be weill curit unleſſe the originall ſprings and [ſpeciall] cauſes therof be rypit up: Therfor the bre-

thren, after mature deliberatioun and weying of the caufes of the faid defectioun, hes found the principall caufes therof to be, as followes.

Caufes of the defectioun from the puritie, zeale, and practife of true religioun in all eftates of the Countrey: And how the fame may be moft effectuallie remeidit.

The principall caufe of this fearefull change, no doubt, is the juft wrath of God kindlit againft the haill land for the vnreverent eftimatioun of the Gofpell, and for the fins of all eftates, and difhonouring of thair profeffiouns, and making the name of God to be blafphemed through the profane world without remorfe.

Laik of care and diligence vpon the part of the Miniftrie, in the difcoverie of them that makes apoftafie to Papiftrie; and negligence in executioun of the lawis and difcipline aganis fick as happins to be difcoverit.

Want of Paftours, and vnplantit kirks, and difplanting of kirks, quhilk hes bein provydit, be diminutioun of the Thrids.

Neglecting of places that are of cheifeft importance to the intereft of religioun, in not planting fufficient Paftours therat, fick as [are] her Majefties houfe, the Princes houfe, the Erles of Huntlie, Erroll, and Angus houfes, and places of thair cheifeft refidence; the Lord Hoomes houfe, the Lord Herries houfe, and cheife places of thair refidence; the towne of Dumfreis, and vthers of the Nobilitie and [of] greateft power within the countrey.

The ovir haftie admiffioun of men to the Miniftrie, befor they be knowin to be of fufficient gifts and experience to difcharge fruitfullie that high calling [in] thir difficile tymes.

The negligence of the Miniftrie in advancing of thair knowledge, be ever continuall and conftant reiding of the Scriptures, and controverfies of the tyme; quherthrow they might be able to bring the confciences of thair auditors in fubiectioun to the obedience of the Gofpell, and convince of the adverfarie.

Negligence in the lyves of the Miniftrie, not frameing thair converfatioun in gravitie as paterns of lyfe to the peiple; bot frameing themfelves exceffively to the humours of men, efpeciallie in communicatioun at tables, and giving fometymes examples of intemperance, [and] in the light and prodigall abulzements of thair families.

The diſtractioun of mynds quhilk is ſuppoſed to be in the Miniſtrie; [and] the diſtractioun quhilk is ſuppoſed to be of his Majeſties mynd from ſome of the Miniſtrie.

The advancing of men ſuſpect in religioun, and knawin to be evill affectit to the good cauſe, vnto offices, honours, [and] credit in Court, Counſell, and Seſſioun, and vther rowmes of great importance within the countrey.

The deſolatioun of the Kirk of Edinburgh through the want of Paſtours.

The continuall reſidence and intertainment of the Ladie Huntlie, a knowin and profeſt Papiſt, of Margret Wood, ſiſter to the Laird of Bonytoun, and vthers knawin and profeſt Papiſts, in his Majeſties Court and companie.

The education of thair Majeſties children [in] the companie of obſtinat and profeſt Papiſts, ſick as the Ladie Livingſtoun.

The negligent educatioun of the children of noblemen, and ſending them out of the countrey vnder the charge of paedagogues ſuſpect in religioun, or, at the leiſt, not weill groundit and confirmit therin, to be brocht vp and inſtructit in places quher Papiſtrie is profeſt.

The impunitie of ſkippers, mariners, and awners of ſhipes, that, vnder the name of paſſingers, tranſports from vther places, and brings within the countrey Seminarie Prieſts, Jeſuites, and vther traffiqueing Papiſts, with thair coffers, and bookes; aud the impunitie of ſick quho convoyes and ſparſells the bookes through the countrey.

The decay of Schooles and of the educatioun of the ȝouth in knowledge of good letters and godlines, ſpeciallie a landwart, for lake of proviſioun ſufficient to intertaine a qualified Schoolemaſter in places neidfull.

That men ſuſpect in religioun, and challengit therfor be thair Preſbytrie and Paſtours, hes acceſſe to Court dureing the tyme of thair proceſſe.

That the late reconcileit Papiſts are not vrgeit to performe the conditiouns aggreit to be them at thair reconciliatioun to the Kirk.

Remedies of the former Evills.

The Generall Aſſemblie, having entrit in the conſideratioun of the cauſes of the ſaid [great and] fearefull defectioun of all eſtates of perſons within this land from the true and ſincere profeſſion of the Goſpell, [preſentlie]

ſounding within the ſame; and having found the principall cauſes of this change to be, no doubt, the juſt wrath of God kindlit againſt this land, for the vnreverent eſtimatioun of the Goſpell, and for the ſins of all eſtates, and for the diſhonouring of their profeſſioun, and making the name of God to be blaſphemit be the profane world without remorſe: quhilk horrible judgements hes fallin in every eſtate, for the contemptuous heiring of the Word of God, in ſo farre as ther is none hes worthilie eſteimit the ſaid precious Word according to the dignitie therof: Therfor, and for removing of the former evills, and cauſes, and farther judgements, if they be not preventit be ſpeidie repentance, the Aſſemblie hes [concludit and] ordainit a generall humiliatioun to be keipit ſolemnlie throughout the haill land, with faſting and prayer in all ſeverall congregatiouns, two ſeverall Sabboth dayes, both in burgh and land, within the realme; and lykewayes in burrow townes, throughout the haill weik betuixt the ſaids two Sabboths; and the cauſe of the ſaid humiliatioun to be [intimat to be] only the ſins of the land, be the quhilk the profeſſioun of the Goſpell hes bein diſhonourit, and the wrath of God provockit: quhilk generall humiliatioun is ordainit to be vpon the laſt two Sabboth dayes of Junij nixt to come.

The vnplantit kirks wald be effectuallie recommendit to his Majeſties care, whoſe authoritie only is able to accompliſh that worke; and, for the better furtherance therof, that his Majeſtie wald cauſe take heid that the thrids be keipit vnvitiat.

Nothing more neceſſar nor to have his Majeſties houſſe, the Princes houſe, the Erles houſes, and places of thair reſidence, and vthers places of chiefeſt importance, as the Towne of Dumfreis, to be weill plantit with learnit, wiſe, and godlie perſons: and quher the laik of proviſioun mycht be a hinder to the preſent planting, as at the Erles houſes, it were requiſite for a time, that the meiteſt for that purpoſe, not being in places quher the cauſe may be ſo farre intereſt be the want of a reſident Paſtour, ſould be tranſportit fra thair awin places, to remaine for ane quarter or halfe ane ȝeir, that ane ſubſtantious meane may be found out for ane conſtant proviſioun and planting of theſe rowmes, be whoſe labours, in the meane tyme, the Erles and thair families might be confirmit in the trueth, and the enemies debarrit from thair companies, and therafter to returne to thair awin charges; the Preſbytries, in the meanequhill, taking ordour for the helping of thair kirks in the tyme of thair abſence: And to that effect, ordaines Mr George Glaidſtanes to be direct to awaite vpon the Erle of

Huntlie; Mrs Alexander Lindſey and William Couper vpon the Erle of Erroll; Mrs James Law and Johne Spottiſwood vpon the Erle of Angus; Mr Johne Carmichell vpon the Lord Hoome; Mrs David Lindſey and Johne Hall vpon the Lord Herreis.

That ane petitioun be givin in to his Majeſtie and Secreit Counſell, deſyring, that theſe quhom his Majeſtie knowis, or ſall know heirafter, to deale in favours of profeſt traffiqueing Papiſts farther nor the lawes of the countrey ſall permitt, ſalbe countit and haldin as men ſuſpect in religioun, and ſall not have the honour to be in his Majeſties houſe, Counſell, or Seſſioun.

Item, That it be craveit lykeways of his Majeſtie and Secreit Counſell, that all Papiſts, men and women, challengit be the Kirk for thair religioun, and not ſatiſfieand the Kirk for the ſame, be diſchairgit from reſort to court, quhill they have ſatiſfied, and bring from the Preſbytrie of thair bounds a ſufficient teſtimoniall of thair obedience.

Item, For diſcovering of the adverſaries of the true religioun lurking within this countrey, it is ordainit, that every Preſbytrie, immediatlie after the diſſolving of this preſent Aſſemblie, take vp the names of the non communicants within thair bounds, and ſend them to his Majeſties Miniſters with all expeditioun, ſubſcryvit be the Moderatour and Clark of the Preſbytrie, and Miniſter of the paroch; and that from this tyme furth, at every Provinciall Aſſemblie, the names of the non communicants be tane vp, and ſent to his Majeſties Miniſters.

Item, That it be inquyrit anent the late reconcilit Lords to the Kirk, be the Preſbytries quher they make reſidence, whither they have keipit and performit the articles ſubſcrivit be them at thair receiving, and that they be vrgit ſeverallie to performe every ane of the ſaid articles; and if they refuſe, that the Preſbytries certifie the Kings Majeſties Miniſters therof.

Item, For eſchewing of farther evill quhilk might come to the eſtate of the religioun be the evill educatioun of the ȝouth foorth of the country, it wald be cravit of his Majeſtie and Secreit Counſell, that ſuch noblemen and vthers as directs a paedagogue with thair ſonnes furth of the countrie, that thair paedagogue be knowin godlie and of good religioun, [learnit] and inſtructit in the ſamein, and approvit of his religioun be the teſtimoniall of his Preſbitrie: that thair remaining out of the countrey be in the places quher the religioun is preſentlie profeſt, or, at the leaſt, quher ther is no reſtraint of the ſame be the crueltie of Inquiſitioun: that dureing the

tyme of thair abſence they ſall not haunt any idolatrous exerciſe of religioun: and ſuch [as] hes not the moyen to ſuſtaine a paedagogue with thair ſons foorth of the countrey, that they ſend them to ſuch parts quher ther is no reſtraint [of religioun: and in caice thair ſonnes, after thair departing out of the countrey, haunt theſe parts quher the profeſſion of the trew religioun is reſtrainit,] that they find caution not to intertaine them: And in cace any that paſſes out of the countrey imbrace any religioun except that quhilk is preſentlie profeſt within this realme, that they ſall not be able to bruik moyen, heritage, honours, nor offices, within this realme; and this to be ane exceptioun aganis the ſervice of thair breives, and at the tyme of admiſſioun of them to any office or honours: And in cace any of thair parents contraveine any of the premiſſes, that they incurre ſuch paine as his Majeſtie and Secreit Counſell ſall modifie; and that ſuch as are already out of the countrey, [either] be callit back againe befor ane day to be appointit be his Majeſtie and Secreit Counſell, or els that thair parents be ſubiect to the lyke conditiouns befor ſett downe.

Item, It wald be craveit of his Majeſtie and Secreit Counſell, that all ſkippers, mariners, and awners of ſhips, be inhite that they bring in any Jeſuites, Seminarie Prieſts, declarit fugitive traitours and rebells within the countrey, bot ſuch as they know to be of true religioun, or hes ſufficient teſtimoniall of the honeſtie of thair religioun fra the places quher they have bein converſant, vnder the paine of eſcheiting thair haill goods; and vnder the ſame paine, that they delyver them in the hands of the Magiſtrat of the towne or port, quher they ſall happin to arryve at, ther to be keipit, ay and quhill they be examinat and tryed, and his Majeſties warrand obtainit for thair libertie after they have bein tryed [and fand] honeſt in religioun; and ſall keip them, thair bookes, goods, and geir in ſhipboord, ay and quhill they receive ane warrand from the ordinar Magiſtrate for the releiving of the ſame; and to that effect, that they ſett none vpon land bot in commoun ports, quher ther is ane Magiſtrate to receive the paſſengers from thair hands.

Item, That his Majeſtie be dealt earneſtlie with anent the removeing of his dochter out of the Ladie Levingſtouns companie, in reſpect of her obſtinate continueing in the profeſſioun of Papiſtrie: for the quhilk cauſe, his Majeſtie being requeiſted [be] the haill Aſſemblie, promiſed that his Hienes dochter ſould be tranſportit, betuixt and Mertimes nixt to come, to his awin houſe.

And becaufe the non planting of kirks is a great part of the wyte of the defectioun from the puritie of religioun; and that the beft way for the planting of the faids kirks, is the furtherance of the conftant platt for locall ftipends to be appointit to every kirk within this realme: Therfor the Affemblie hes ordainit the brethren following, viz. Mrs David Lindfay, James Nicolfone, Robert Pont, Patrick Galloway, George Glaidftanes, Johne Nicolfone, or any thrie of them, to conveine [upon the firft day of Junij] with my Lords Chancellar, Secreitar, Prefident, Collector, Comptroller, Sir Patrick Murray, and Mr George Young, to treat and advyfe on fick overtures as, be thair commoun confent, falbe found moft meit and expedient for advancing of the faid work of the conftant platt, and to lay downe fuch grounds as they fall find moft meit and profitable for profecuting of the fame; and to report thair diligence to the nixt Affemblie.

Seffio 3a. Eodem die.

The Kings Majeftie having declarit his intentioun and defyre to have a Minifter for his Hienes houfe, in refpect of the deceife of Mr Johne Craig, and Johne Duncanfones old age, and another to the Queines Majefties houfe, and ane vther to the Princes houfe, the Affemblie nominat for his Majefties and the Queines houfe Mrs Henrie Blyth, John Fairfull, Peter Hewat, and Andro Lamb; for the Princes houfe, Mrs James Nicolfon, James Law, and Johne Spottifwood.

[The Affemblie ratifies the acts made in the Affemblies of befor, anent the difcharging of particular applicatiouns to be made in the exercifes; and of the forbidding of zoung men not admittit to the Miniftrie to preach in the cheife places of the countrey; and ordaines the fame to be put in executioun, under the paine of incurring the cenfures of the Kirk. C. & B.]

Seffio 4a. 15 Maij.

The Affemblie adjoynes the Prefbitrie of Kirkudbright to the Miniftrie of Nithifdaill, ay and quhill ther be fick a number of kirks plantit within the faids bounds as may conftitute a laufull Prefbytrie among themfelves.

The Affemblie ordaines the Commiffioners to recommend vnto his Ma-

jeſtie the proviſion of competent livings to the ſaids kirks; and nominates Mrs Johne McBirney, George Greir, and William Airthur, to be plantit therat.

Anent the queſtioun referrit fra the Preſbytrie of Couper to this preſent Aſſemblie, concerning the cauſe perſewit be the ſaid Preſbytrie aganis Elizabeth Pitcairne, for ſatiſfactioun of the adulterie committit be her, and provin againſt her, conforme to the decreit of the forſaid Preſbytrie; quho being vrgeit to ſatiſfie the Kirk therfor, producit ane decreit of adherence obteinit againſt her huſband befor the Commiſſars of Edinburgh, ordaining her huſband to adhere to her, and be conſequence exonering her of adulterie: The Aſſemblie ordaines the Preſbytrie to put thair awin decreit to executioun, notwithſtanding the decreit of adherence.

Anent the citatioun vſit be the Preſbytrie of Couper aganis the auld Laird of Kynneir, to have anſuerit for the abuſing of Mr Robert Inſhaw, Miniſter of Kilmanie, in the ſolemnizating of the mariage of his dochter, and in antedating of ane teſtimoniall ſent to Mr Henrie Balfour, Miniſter at Colleſſie: The Aſſemblie, in reſpect of the Laird of Kynneirs abſence, referris the tryall of the ſaid matter to the Preſbytrie of Couper.

Seſſio vltima. 16 Maij.

It being meanit be ſundrie of the brethren, that there was ſundrie errours that merited to be correctit in the vulgar tranſlatioun of the Byble, and of the Pſalmes in meetter; as alſo that ther are ſundrie prayers in the Pſalme Booke quhilk wald be altered, in reſpect they are not convenient for the tyme: In the quhilk heids the Aſſemblie hes concludit as followis:

Firſt, Anent the tranſlatioun of the Byble: That every ane of the brethren quho hes beſt knowledge in the languages, imploy thair travells in ſundrie parts of the vulgar tranſlatioun in the Byble, that neids to be mendit, and to conferre the ſame together at the Aſſemblie.

Anent the tranſlatioun of the Pſalmes in meeter; It is ordainit, that the ſame be reviſit be Mr Robert Pont, Miniſter at Sanct Cuthberts Kirk, and his travells to be reviſit at the nixt Aſſemblie.

It is not thocht good that the prayers alreadie contenit in the Pſalme Booke be altered or delatit; bot if any brother wald have any vther prayers

eiked, quhilk are meit for the tyme, ordaines the ſame firſt to be tryed and allowed be the Aſſemblie.

The Generall Aſſemblie, for cauſes and conſiderationns moving them, hes ordainit Mrs James Balfour, Walter Balcanquell, and William Watſone, to be tranſportit out of thair awin places of thair Miniſtrie in Edinburgh, and plantit in ſuch places as the Commiſſioners deput be this preſent Aſſemblie think expedient: And lykewayes ordaines the ſaid Commiſſioners to plant ſuch vthers of the Miniſtrie in thair places in the Kirk of Edinburgh, as ſalbe found expedient for the advancement of the glorie of God within the ſame.

The Commiſſioners for the Towne of Edinburgh, viz. Johne Johnſtoun and George Heriot, proteſtit in the name of the ſaid Towne, that ſeeing the Generall Aſſemblie hes ordainit thair Miniſters above namit to be tranſportit furth of Edinburgh, the ſaid Towne ſould be frie of thair burdein fra this tyme of thair preſent tranſportatioun; and that the ſaid tranſportatioun ſould not be prejudiciall to them in any tyme heirafter, bot that they might be reponit in thair awin places, quhen it ſould pleaſe his Majeſtie and the Kirk to lyke weill therof: quhilk proteſtatioun his Majeſtie and the haill Aſſemblie willinglie aggreit vnto; quhervpon the ſaid Commiſſioners aſkit inſtruments.

The Aſſemblie hes ordainit, that, in every Aſſemblie to be conveinit in all tyme comeing, ſuch as ſall happin to be appointit Commiſſioners from the Generall Aſſemblie to indure quhill the Aſſemblie nixt therafter, ſall give ane accompt of thair proceidings dureing the haill tyme of thair commiſſioun, in the beginning of the Aſſemblie, befor any vther cauſe [or matter] be handlit; and thair proceidings to be allowit or diſſallowit as the Aſſemblie ſall think expedient.

The Generall Aſſemblie having rypelie weyit the neceſſitie of the appointing Commiſſioners fra this preſent Aſſemblie, not only to advyſe and awaite vpon ſuch affairs as ſalbe for the weill and vtilitie of the Kirk of God, bot alſo for giving advyſe to his Majeſtie anent the halding furth of the enemies of the ſamein, quhen they ſalbe requyrit be his Hienes therto: Therfor, the brethren conveinit in this Aſſemblie hes givin and grantit, lykeas, be the tenour heirof, gives and grants thair power and commiſſioun to thir brether, viz. Mrs Alexander Dowglas, Johne Strauchane, Peter Blackburne, George Monro, James Nicolſone, Andro Leitch, Alexander

Forbes, Patrick Simſone, William Couper, Alexander Lindſay, George Glaidſtanes, William Scott, Johne Caldcleugh, Robert Wilkie, David Lindſay, Robert Pont, Johne Spottiſwood, Johne Hall, James Law, Johne Knox, Johne Abernethie, Johne Hay, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay, and the Kings Majeſties Miniſters, or any nyne of them; giveand, grantand, and committand vnto them thair full power to plant ſuch kirks in Burrow Townes as are deſtitute [of Paſtours] in generall, and ſpeciallie to plant the Kirk of Edinburgh, quhich is vacand be tranſportatioun of the Miniſters therof; with power alſo to plant Mrs James Balfour, Walter Balcanquell, and William Watſone, Miniſters tranſportit out of Edinburgh; with his Majeſties advyce, in ſuch convenient places as they ſould find expedient for the glorie of God; with power alſo to tranſport any of the Miniſtrie within the realme from thair awin places quher they preſentlie ſerve, and to plant them in the ſaid vacand places of the Kirk of Edinburgh; in the planting quherof they ſall take the advyce of the Preſbytrie of Edinburgh, according to the acts and ſtatutes of the Generall Aſſemblie made of befor:

Attour, If it ſall happin the Kings Majeſtie to be greivit at any of the Miniſtrie for quhatſoevir enormitie committit be any of them aganis his Majeſtie, with power to them, or any nyne of them, as ſaid is, to try and cognoſce thervpon, and to take ſuch ordour theranent as they ſall find moſt meit to the glorie of God and weill of his Kirk:

And, finallie, with power to them to preſent the greives and petitiouns of this preſent Aſſemblie to his Majeſtie and Secreit Counſell, and generall Conventioun of the Eſtates and Parliaments, if any ſall happin to be; and to crave redreſſe of the ſamein: Promitten de rato.

The Aſſemblie ordaines Mrs James Nicolſone, James Robertſone, Alexander Lindſay, and William Couper, to take tryall anent the vnioun of the kirk of Forgundie to the paroch of Arngoſk; and if they find the ſamein to have bein done of auld, and [to be] commodious for the peiple, to ratifie the ſame.

Forſameikle as, in the Generall Aſſemblies haldin of before, it hes bein verie wiſelie conſidderit, that ther hes bein nothing more profitable for advancing of the glorie of God by the preaching of the Goſpell, then appointing of Commiſſioners for every ſchyre within this realme, whoſe care and diligence ſould be partly to try the life, doctrine, and manner of converſatioun of the Miniſtrie in the bounds committit to thair viſitatioun; and partly to

plant the kirks quhilk as ȝet ly deſtitute of the comfort of the Word, be dealing with ſuch as hes the Kirk livings in thair hands, for ane reaſonable moyen to ſuſtaine a Miniſter at every kirk within this realme: quhilk loveable cuſtome this preſent Aſſemblie being myndfull to proſecute, therfor hes givin and grantit, lykas, be the tenour heirof, gives and grants thair full power and commiſſioun to thir brethren, [to viſit the bounds particularly after ſpecified,] viz. to Mrs Robert Pont and Robert Durie for Orknay and Ȝetland; to Mr George Glaidſtanes for Cathnes and Sutherland; to Mrs Alexander Dowglas and Alexander Rawſone for Roſs; to Mrs George Hay and Andro Crumbie for Murray; to Mr George Glaidſtanes for Aberdein; for Angus and Merns, Mrs Robert Wilkie and James Nicolſone; for Perth and Stratherne, Mrs Thomas Dowglas and Johne Fairfull; for Fyfe, Mrs James Nicolſone and Robert Howie; for Louthian, Mrs Patrick Simſone and Harie Livingſtoun; for Mers and Teviotdaile, Mrs James Gibſone and Adame Colt; for Cliddiſdaill, Mrs David Lindſay and Johne Spottiſwood; for Irwing and Air, Mrs Gawin Hamiltoun and Andro Knox; for Annandaill, Mrs Johne Knox, Patrick Shaw; for Nitheſdaile and Galloway, Mrs David Barclay, Alexander Scrymgeour, and Nathaniel Inglis: with power to them to try the brethren of the Miniſtrie within the bounds particularlie above deſignit, in thair lyfe, doctrine, qualificatioun, and converſatioun; and how they have behavit themſelves twiching the rents of thair benefices, whither they have ſett tacks of the ſame, but conſent of the Generall Aſſemblie, or not, and ſo dilapidat the ſame; to depoſe ſuch as deſerves depoſitioun; to plant Miniſters in ſuch places as hes not bein plantit heirtofoir: and to that effect to deale with the takſmen of every paroch kirk for proviſioun of ane Miniſter to thair kirks; and to report to the nixt Generall Aſſemblie ane anſuer of the takſmen in write, containing the planting of the kirks quherof they poſſeſſe the teinds; and to report thair diligence to the nixt Aſſemblie; Prommitten de rato.

The nixt Aſſemblie is appointed to be haldin at Sanct Androes, the laſt Tueſday of Julij, the ȝeir of God 1602 ȝeirs.

[The General Aſſembly appointed to be haldin at Sanct Androes the laſt Tueſday of July, was prorogued be the King to the tenth of November by proclamations at the Mercat Croſſes. C.]

A.D.MDCII.

THE Generall Aſſemblie of the Commiſſioners from the Preſbitries of the Kirk of Scotland, haldin at Halierudehous the 10 of November 1602: In the quhilk, the Kings Majeſtie being perſonallie preſent, were conveinit the Commiſſioners following.

COMMISSIONERS WITH THE KING.

The Secreitar.
Theſaurer.
Collectour.
Comptroller.
Sir Patrick Murray.

For the Miniſtrie.

ORKNAY.

Mr Robert Pont.

CATHNES.

Mr George Glaidſtanes.

ROSE, MURRAY.

Mr Alexander Rawſone.

ABERDEIN.

Mr Peter Blackburne.
Mr Archibald Blackburne.
Mr David Rait.
Mr Richart Rofs.
Mr John Strauchane.
Mr Johne Rofs.
Mr James Milne.
Mr Abraham Sibbald.
Mr Alexander Hay.

MERNES.

Mr John Erfkine.
Mr Alexander Forbes.
Mr James Sibbald.

BRECHINE.

Mr Andro Leitch.
Mr Johne Merfchell.
Mr Jofua Durie.

ABERBROTHOCK.

Mr Patrick Lindfay.
Mr Arthur Foothie.
Mr Henrie Philip.

DUNDIE.

Mr Robert Howie.
Mr Andro Clayhills.

MEGLE.

Mr James Anderfoun.
Mr Johne Barclay.
Mr David Browne.

PERTH.

Mr James Rofs.
Mr Archibald Moncreiff.
Mr William Row.
Mr Adame Ballandyne.
Mr Alexander Hoome.
Mr Johne Edmeftoun.
Mr William Glaffe.
Mr Silvefter Rattray.

SANCT ANDROES.

Mr James Melvill.
Mr John Carmichell.
Mr Robert Durie.

VNIVERSITIE THEROF.

Mr James Mertin.

COUPER.

Mr Thomas Douglas.
Mr Robert Buchannan.
Mr William Cranſtoun.

KIRKADIE.

Mr William Scott.
Mr Johne Michelſone.
Mr David Spens.

DUMFERMLING.

Mr Johne Fairfull.
Mr Johne Cauden.
Mr Edmond Myles.

EDINBURGH.

Mr James Balfour.
Mr Walter Balcanquell.
Mr William Aird.

LITHGOW.

Mr Thomas Peebles.
Mr Robert Cornwell.
Mr George Inglis.

DALKEITH.

Mr George Ramſay.
Mr Archibald Simſone.
Mr Adam Colt (Scot?)

HADDINGTOUN, DUMBAR.

Mr Edwart Hepburne. Mr Richard Ogill.

PEBLES.

Mr Johne Ker.

MERS.

Mr Johne Clappertoun.
Mr Tobias Ramſay.
Mr William Methven.
Mr Alexander Gaites.
Mr Johne Abernethie.
Mr William Clerk.
Mr Johne Knox.
Mr James Dais.
Mr Johne Smith.

GLASGOW.

Mr Andro Boyd. Mr Williame Levingſtoun.

VNIVERSITIE THEREOF.

Mr Patrick Sharp.

PAISLAY.

Mr Johne Hay.

DUMBARTAN.

Mr William Simſone.

HAMILTOUN.

Mr Johne Howiſone. Mr Patrick Walkinſchaw.

LANERICK.

Mr William Birnie. Mr Robert Bannatyne.

AIR.

Mr George Dumbar. Mr Johne Welſch.
Mr Nathan Inglis.

IRWING.

Mr Hew Fullertoun.

DRUMFRIES.

Mr Robert Hunter. Mr Richard Browne.
Mr Johne Browne.

KIRKKUDBRYT.

Mr William Hamiltoun.

WIGTOUN.

Mr Robert Wallace. Mr Mathew Reid.

BURROWIS.

EDINBURGH.

Mr Johne Robertſone. Mr George Heriot.

DUNDIE.

Mr William Fergufone.

SANCT ANDROES.

Mr William Ruſſell.

LEITH.

Mr Jerome Lindſay. Mr David Orok.

BRUNTILAND.

Patrick Greiff.

COMMISSIONERS OF THE GENERALL ASSEMBLIE.

Mr Alexander Dowglas.
Mr George Monro.
Mr James Nicolſone.
Mr Patrick Simſone.
Mr William Couper.
Mr Alexander Lindſay.
Mr Johne Spotiſwood.
Mr Johne Calcleugh.
Mr Robert Wilkie.
Mr David Lindſay.
Mr Johne Hall.
Mr James Law.
Mr Gawin Hamiltoun.
Mr Alexander Scrymgeour.
Mr David Barklay.

Acta Seſſione prima.

Exhortatioun being made be Mr Johne Hall, Moderatour of the laſt Aſſemblie, the Aſſemblie, after the accuſtomit manner, proceidit to the electioun of the Moderatour of this preſent Aſſemblie; and, after nominatioun of the brethren following, viz. Mrs Patrick Sharp, Patrick Galloway, James Balfour, and Johne Carmichaell, out of the quhilk number the Moderatour ſould be choſin; be pluralitie of votis the ſaid Mr Patrick Galloway was choſen Moderatour hac vice.

The houres appointit to conventioun, to be nyne houres of the morning for the privie conference; and elevin houres for conveining of the Aſſemblie, and to ſitt quhill four houres afternoone.

The Aſſeſſours appointit to conveine with the Moderatour in the privie

conference, for treating of ſuch things as are to be concludit in the Aſſemblie, are Mrs Johne Hall, Robert Pont, George Gladſtanes, David Lindſay, Alexander [Rawſone,] Peter Blackburne, Johne Strauchan, David Rait, Alexander Forbes, James Nicolſone, Robert Howie, James Melvill, Robert Wilkie, Johne Carmichael, Alexander Lindſay, William Glaſſe, Patrick Sharp, James Balfour, Walter Balcanquell, James Law, Johne Spottiſwood, Johne Clappertoun, John Knox, David Barklay, William Hamiltoun, Nathaniel Inglis, Johne Hay, Andro Lamb.

Seſſio 2a. Eodem die.

The ſaid day, being callit Mr George Glaidſtanes, Miniſter of Sanct Androes, quho was direct be the laſt Aſſemblie to have remained for ane quarter or halfe ane zeir with the Marqueis of Huntlie, to the effect that, be his travells and labours, the ſaid Noble Lord and his familie might be informit in the Word of Trueth preſentlie profeſt within this realme, and the enemies therof debarrit from his companie, to give ane accompt of his diligence in the ſaid commiſſioun, the ſaid Mr George compeirand, declarit, that, at the tyme of his journeying northward for viſitatioun of the Preſbytries of Cathnes and Sudderland, he addreſt himſelfe to the Marqueis of Huntlie, and remained with him the ſpace of thrie dayes, duering the quhilk tyme he conferrit with him anent the contravertit heids of religioun, and deſyrit of his Lordſhip that he wald ſhew him quherin he doubtit, that to the effect be his conference he might be reſolvit of ſuch heids quherof he was not as zet fullie ſatiſfied, quhilk his Lordſhip promiſed to doe at his back coming: and lykeways having demanded, why his Lordſhips kirks were not plantit, and why he reſortit not to the preaching at the ordinar tymes in paroch kirks?

To the firſt he anſuerit, That the non planting of his kirks proceids vpon the not giving licence to the Perſons of the ſaids kirks to renew his taks, conforme to the promiſe made to his Lordſhip be the Commiſſioners of the Aſſemblie, at the tyme that his Lordſhip grantit to the augmentatioun of the rents of the ſaid kirks.

As to the ſecond, He could not weill reſort to the paroch kirks, partlie, in reſpect of the meane rank of ſuch as were within the paroch, and partlie, in reſpect his Lordſhips predeceſſours were in vſe to have a chappell in

thair awin houſe, quhilk he was myndit to proſecute now, ſeeing he was preſentlie repairing [to] his houſe of Strathbogie.

The ſaid Mr George being demandit, why he made no longer reſidence with his Lordſhip, conforme to his commiſſioun, anſwerit, that he could not, becauſe the Marqueis of Huntlie was vpon his voyage ſouthward, at his Majeſties directioun, for reconciliatioun of the feid betuixt him and the Erle of Murray; quhilk feid was the cauſe that his Lordſhip could not communicat.

Being callit lykewayes Mr Alexander Lindſay and William Couper, Commiſſioners appointit be the laſt Aſſemblie to awaite vpon the Erle of Erroll for the effect forſaid, compeirand Mr Alexander Lindſay, declairit, that he had awaitit vpon the ſaid Noble Lord dureing his remaining in the Carſe of Gowrie, and that he fand him a diligent heirer of the Word: and having requyrit of him, if he doubted of any thing, his Lordſhip anſuerit, That, at the tyme of his reconciliatioun, he did the ſamein vnfainedly, and had caſtin all ſcruples away. As concerning the planting of his kirks, that he had provydit the ſamein of his awin benevolence; and that he wald communicat at ſick tyme as the ſacrament ſould be miniſtrat at any of his awin kirks, quherat his reſidence ſould be for the tyme.

Being callit Mr Johne Spottiſwood and James Law, Commiſſioners appointit to awayt vpon the Erle of Angus, Mr Johne Spottiſwood excuſit himſelfe, becauſe he was directit be his Majeſtie to awaite vpon the Duke of Lennox in his ambaſſadrie to France; in reſpect quherof, Mr James Law, being appointit Commiſſioner conjunctlie with the ſaid Mr Johne, could doe nothing him alone: but becauſe it was reportit be the haill brethren of theſe parts quher the ſaid Erle does haunt, that he did neither reſort to the heiring of the Word, nor participatioun of the ſacraments, bot, be the contrair, maintainit profeſt enemies to the religioun in his companie, ſick as ane Mr Charles Browne; therfor, to adviſe in the conference for remeid therof.

Being callit Mr John Carmichaell, Commiſſioner appointit to awaite vpon my Lord Hoome, declarit, that he execute no part of his commiſſioun, be reaſon of the ſaid Lords abſence foorth of the countrey.

The lyke excuſe was vſit be Mrs David Lindſay and Johne Hall, quho were appointit to awaite on my Lord Herreis, in cace that he repairit to Edinburgh, declairing, that the ſaid Lord remainit but a verie ſhort ſpace in the ſaid towne.

Anent the Commiſſioners appointit be the laſt Aſſemblie to awaite vpon the conſtant platt: My Lord Collectour being preſent, declarit, that the ſtay of that worke proceidit vpon the default of the Preſbytries, quho, for the moſt part, had nevir returnit ane anſuer of his Majeſties letters direct be his Commiſſioners of the conſtant platt, without the quhilk they could not proceid: and, therfor, the Aſſemblie ordaines ſick as had not reportit thair anſuers, to produce them the morne.

Anent the Commiſſioners appointit for viſitatioun of Preſbytries: The Aſſemblie ordaines them to give in thair diligence in wryte the morne, that the ſamein may be tryit and conſidderit be the Aſſemblie. And becauſe ther hes bein ſlack, or no executioun of ſick Commiſſions in tyme bygane, be reaſon of carleſnes of ſick as were appointit to accept the ſame: Therfor, it is ordainit, that, in tyme comeing, ſick as ſalbe appointit Commiſſioners, ſall accept the commiſſiouns on them, and promiſe be thair aithes, in face of the Aſſemblie, to doe thair honeſt and faithfull diligence in the executioun therof; and to report the ſamein to the nixt Aſſemblie in wryte, vnder the paines conteinit in the acts of the Generall Aſſemblie.

Being callit the Commiſſioners of the Generall Aſſemblie to give ane account of thair proceidings ſen the laſt Aſſemblie, they were ordainit to give in thair diligence in wryt the morne.

The quhilks things being conſidderit be the haill Aſſemblie, it was thocht moſt expedient, that certaine qualified perſons be choſin out of the Miniſtrie, for planting of ſuch parts of the countrey as are deſtitute of the Word of God; and ſpeciallie, that qualified men be choſin out to be appointit Miniſters to the particular families of the ſaid Noblemen: and lykewayes that the catiouners of theſe quho were ſuſpect of religioun, and were ordainit be his Majeſtie to paſſe off the countrie, be ſtraitit conforme to thair band, and ſpeciallie for Patrick Butter, Patrick Mortimer, and vthers, and themſelves [to] be lykewayes chargit for breaking of the ſaid band.

Seſſio 3a 11 Novembris.

Anent the ſummounds raiſit at the inſtance of the Provinciall of Lowthiane and Tweddall, aganis Dame Helenour Hay, Countes of Lithgow, makand mentioun, That in the proceſſe of excommunicatioun led and deduceit againſt her, be the Preſbytrie of Lynlithgow, ſho made appellatioun

from the ſaid Preſbytrie to this preſent Aſſemblie, and therfor ordaining her to be ſummoundit to [compeir befor] this Aſſemblie, the thrid day therof, to proſecute her appellatioun, with certificatioun, and ſhe failziet, the Aſſemblie wald allow of the proces led and deduceit aganis her be the ſaid Preſbitrie, as at mair lenth is conteinit in the ſaids ſummonds, of the dait, at Edinburgh, the 3 of November 1602: The ſame being callit, the Aſſemblie continues the ſame in the ſelfe ſame force and effect to the morne.

The brethren appointit for viſitatioun of the Preſbitries in the laſt Aſſemblie, quho were ordainit this day to produce thair diligence in wryte, being callit, compeirit Mrs David Lindſay and Johne Spottiſwood, Commiſſioners for Cliddiſdaill; Mr Andro Knox, Commiſſioner for Air; Mrs James Nicolſone and Robert Howie, Commiſſioners for Fyfe; Mr Robert Durie, Commiſſioner for Orknay; and Mr George Glaidſtanes, Commiſſioner for Cathnes; and produceit thair diligence in wryte. The reſt of the ſaids Commiſſioners either were not preſent, or had done no diligence. Quhilks diligences producit, the Aſſemblie ordainit to be viſited be the brethren, Mrs Johne Hall, Walter Balcanquell, Patrick Walkinſchaw, Archibald Moncrieff, and James Anderſon, and therafter to report what they have found in it to the haill Aſſemblie.

The ſaid day, the Commiſſioners quho were appointit in the laſt Aſſemblie, for planting of burrowes tounes vacand, and awaiteand vpon his Majeſtie, quho were ordainit this day to produce thair diligence [and proceedings in wryte,] to the effect they might be tryit be the brethren, and either allowit or diſſallowit, [conforme] as they deſerved, being callit, they compeirit; and, in name of the reſt, Mr James Nicolſone, Miniſter at Migle, produceit thair haill proceidings in wryte; quhilk being [openly] read in preſence of the haill Aſſemblie, and the brethren being demandit be the Moderator, if they had any thing to ſay againſt the ſamein, or againſt them in any vther heid quhatſumevir: Efter the particular votes of every ane of the Commiſſioners was ſpeirit, the Aſſemblie allowit of the ſaid proceidings, and thankit God for the ſame.

The quhilk day, the brethren conveinit in this preſent Aſſemblie having conſidderit, that nothing is more neceſſar for the advancement of Gods glorie and his true religioun within this realme, then that the cheife rowmes and places within the countrey, ſuch as are noblemens houſes and families, be plantit with learnit and diſcreit Paſtours, able not only to inſtruct and confirm the ſaid noblemen, thair wyves, children, and families, in the true

feare of God, and heids of ſincere religioun profeſt preſentlie within this realme, bot alſo quho may, be thair provident care and diligence, procure that the ſamilies of ſuch noblemen be not corruptit with the companie and hanting of profeſt Papiſts, Jeſuites, [and vther] Seminarie Prieſts, quho goes about daylie to ſmore and put out the ſpunks of true religioun and knowledge of God kindlit in the ſaids noblemens hearts; and becauſe preſentlie ſuch men cannot be found to vndertake the charge of the ſaids noblemens houſes, as ſaid is: Therfor, the Aſſemblie hes thocht good, that, for a tyme, brethren meiteſt for the purpoſe ſould be borrowit from thair awin places, to remaine for the ſpace of a quarter of ane ȝeir continuallie with the ſaids noblemen, be whoſe labours in the meane tyme, quhill ane conſtant and permanent proviſioun may be found out for the planting of theſe rowmes, the ſaids noblemen and thair families may be confirmit in the trueth, and the enemies therof debarrit from thair companies; and therafter to return to thair awin charges; and in the meane tyme, that the Preſbitries take ordour that thair places be furniſchit dureing thair abſence: And, therfor, they have electit and nominat the brethren following to awaite vpon the ſaids noblemen dureing the ſpace forſaid, viz. Mr William Scott, Miniſter at Kennoquhy, to remaine with the Marqueis of Huntlie; for the Erle of Erroll, Mr Alexander Lindſay; for the Erle of Angus, Mr James Law; for the Lord Hoome, Mr John Carmichaell; for the Lord Maxwell, ſo long as he remaines in the Caſtle of Edinburgh, Mr Henrie Blyth; for the Lord Hereis, Mr Robert Wallace; for the Lord Semple, the Preſbitrie of Irwing, ſo long as he remaines within the ſame; and in cace he remaine within the Preſbitrie of Paiſlay, the ſaid Preſbitrie to awaite vpon him; and lykewayes for the Erle of Sutherland, the Preſbitrie of Edinburgh, in cace he make his reſidence within the ſame: And in cace any of the noblemen make their reſidence any tyme in Edinburgh, or within the Preſbitrie therof, the Aſſemblie ordaines the Preſbitrie of Edinburgh to direct twa brethren of thair number, with the lyke power as the brethren above ſpecifeit, to awaite vpon every ane of the ſaids noblemen that ſalbe found reſident within thair Preſbitrie: quhilks brethren forſaid, and every ane of them, ſall receive the articles in wryte fra this Aſſemblie, quherin they ſall travell with the ſaids Noblemen. Quhilks articles the Aſſemblie ordaines to be pennit be Mrs James Melvill, James Nicolſone, Johne Carmichaell, Patrick Galloway, William Scott, and Alexander Lind-

ſay, to be givin in the morne to the Aſſemblie, that the brethren may conſidder the ſamein. The tenour quherof followis.

Inſtructiouns for the brethren appointit be the Generall Aſſemblie to attend vpon the Marqueis of Huntlie, the Erles of Angus and Erroll, the Lords Hoome, Herreis, and Maxwell.

Firſt, Ze ſall addreſſe zourſelves with all convenient diligence and neceſſar furniture to entir in thair companie and families, ther to remaine ſtill with them for the ſpace of thrie monethis continuall; dureing the quhilk tyme zour principall care ſalbe, by publick doctrine, by reiding and interpretatioun of the Scriptures ordinarlie at thair tables, and by conference at all meitt occaſiouns, to inſtruct themſelves in the haill grounds of true religioun and godlineſs, ſpeciallie in the heids controvertit, and confirme them therin.

2. Take paines to catechiſe thair families ordinarlie every day, once or twyſe at the leiſt, or ſo oft as may ſerve to bring them to ſome reaſonable meaſure of knowledge and feiling of religioun, befor the expyring of the tyme preſcryvit for zour remaining ther; and let this actioun begin and end with prayer.

3. Preaſe to have thair houſes purgit of all perſons living inordinately, whoſe evill example might be a ſlander to thair profeſſioun, ſpeciallie ſuch as are of ſuſpect religioun, and found any wayes buſſie in traffiqueing aganis the trueth, and quyetnes of the eſtate of the countrey; and be carefull to have all ſick perſons furth of thair houſes and companie.

4. Travell to have thair kirks plantit with ſufficient proviſioun of ſtipends, and weill qualified perſons; and procure, that, be thair authoritie and aſſiſtance, the diſcipline of the Kirk may have executioun within thair bounds.

5. Perſwade them to make honeſt proviſioun of ſtipends for the intertainment of reſident Paſtours at thair houſes and cheife dwelling places; and to make choiſe of learnit, grave, and wyſe Paſtours, to be plantit therat.

6. Urge performance of the articles aggreeit vpon and ſubſcryvit at the tyme of thair reconciliatioun, and regiſtrat in the bookes of the Aſſemblie, quheroutof ze ſall extract them.

7. Informe the Kings Majeſtie fra tyme to tyme, how they have profited,

and quhat companie reforts to them, and quhat difpofitiouns thair companies are of.

Quhilks articles being red in audience of the Affemblie, the brethren approvit the famein, and ordainit them to be infert, with the commiffioun given to the Minifters appointit to remaine with the faids Lords, in the bookes of the Affemblie.

The brethren appointit to vifite the diligence of the vifitours appointit in the laft Affemblie, finds fault, that in all thair diligences produceit, except of Caithnes and Fyfe, the vifitors hes not exactlie tryed the lyfe, doctrine, and converfatioun of every Minifter at his awin kirk and be his awin flock, but nakedlie and flanderlie be a generall view at the Synodall Affemblies; quhilk the Affemblie finds fault with, and ordaines to be amendit in tyme comeing.

The quhilk day, the brethren conveinit in this Affemblie, having rypelie weyit how neceffar it is, that ane general vifitatioun be for inquyring in the lyfe, doctrine, qualificatioun, and converfatioun of every ane of the Miniftrie in particular; the quhilk albeit it was committit to the charge of the vifitours appointit be the laft Affemblie, nevirtheles they, or at the leaft the moft of them, hes done fmall or no diligence in the executioun of that profitable worke committit to thair charge, excufit partlie be infirmitie and feiknes, and partlie be vther neceffar affaires, quherin they were imployit, as they alledgit: Therfor, the Affemblie, not willing that fuch a neceffar and profitable worke fould want the awin good execution [and fuccefs,] hes nominat, and be thir prefents nominats thir brethren following, thair verie laufull Commiffioners for vifitatioun of the bounds vnderwrytin, every ane of them for thair awin parts, as they are particularlie defignit; viz. for Orknay, Mr Robert Pont; for Cathnes and Sudderland, Mr George Glaidftanes, Mr Alexander Rawfone; for Rofs, Mr David Lindfay; for Murray, Mrs Peter Blackburne, Abraham Sibbald; for Aberdein, Mrs William Scott and Alexander Lindfay; for Angus and Mernes, Mrs Robert Wilkie and James Melvill; for Perth and Striveling, Mrs James Mertin and Johne Caldcleugh; for Fyfe, Mrs James Nicolfone and Robert Howie; for Lauthiane, Mrs Patrick Sharp, Johne Couper; for Mers and Teviotdaill, Mrs Johne Carmichaell and James Law; for Cliddifdaill, Mrs Johne Spottifwood, William Airthur; for Irwing and Air, Mrs Andro Boyd, Johne Hay; for Nithefdaill and Annandaill, Mrs Johne Knox, Patrick Shaw, and Johne Smith; for Galloway, Mrs Johne Welfh, Hew

Fullertoun; for Argyle, Mrs Andro Knox, Andro Lamb: Giveand, grantand, and committand to every ane of them conjunctlie, and in cace of feiknefs of any ane of them, with power to the vther, &c. to try the brethren of the Miniftrie within the bounds particularlie above committit to every ane of thair charges refpectivé, in thair life, doctrine, qualificatioun, and converfatioun, and how they behave themfelves tuiching the rents of thair benefices, whither they have fett taks of the famein but confent of the Generall Affemblie, or not; and fo incurrit the cenfure of dilapidatioun; with power alfo to try the Prefbitries within the faids bounds, if they have keipit thair ordinar conventiouns, and particular vifitatiouns of thair awin kirks, and vfit and exercifeit all fuch things as belongs to the Prefbitrie: with power alfo to them to try every particular congregatioun within the bounds committit to thair vifitatioun; and generallie, to try every ane of the Miniftrie, Prefbitries, and Congregatiouns, conforme to the particular ordour of vifitatioun fett downe in this Affemblie. And in cace any fault or enormitie be found be them in any of the faids vifitatiouns committit to them, with power to cenfure the famein according to the act of the Generall Affemblie; and as they proceid in thair faid vifitatioun, that they report thair haill proceffe and diligence to the nixt Generall Affemblie: Promitten de rato, &c.

Seffio 4a. 12 Novembris.

The faid day it being confiderit be the Affemblie, that for inlake of ane conftant and vniforme ordour of vifitatioun of Synods, Prefbitries, and particular kirks, the labours and travells takin hitherto hes bein almoft vnprofitable and ineffectual: Therfor, that ane folid ordour may be takin and generallie obfervit in vifitatiouns in all tymes comeing throughout the haill kirks within this realme, the Affemblie ordaines the brethren following, viz. Mrs Robert Pont, Patrick Galloway, James Carmichaell, William Scott, Alexander Lindfay, to advyfe anent the fubiect of vifitatiouns, and the forme and ordour of proceffe that falbe vfit in the fame in all tyme coming, and to produce the famein in wryte to the Affemblie the morne.

The quhilk day the brethren haveand confidderit the great travells and paines takin be thair brother, Mr Johne Howefone, Minifter at Cambuflang, in anfuering to Bellarmine in thrie fundrie volumes, and how profitable

the ſame wilbe to the Kirk of God, quhilk he preſentit to the Aſſemblie, deſyreing the ſame to be reviſit be them, to the effect, if they be found worthie, they may be put foorth in print; they appointit the ſaid worke, firſt, to be reviſit be Mrs Robert Howie, James Nicolſone, and James Robertſone; therafter, be Mr Andro Melvill; and laſt, be Mrs Robert Pont and Johne Hall; and to report to the nixt Aſſemblie: quhilk bookes are preſentlie delyverit to Mr Robert Howie.

Anent the conſtant platt: The brethren appointit to ſitt thervpon with his Majeſties Commiſſioners being demandit, quhat effect thair travells had takin in the ſame, they producit the concluſioun of the Commiſſioners of the ſaid platt, reſolving in 3 heids, out of the quhilk ane ſould be choſen, as the moſt ready way for effectuating the ſaid work; quherof the tenour followis.

Overtures of the Commiſſioners of the Plat to be adviſit with his Majeſtie.

If everie Miniſters ſtipends being aſſignit out of the fruites of the Kirk quher he ſerves be the benevolence of the takſmen, that they ſall grant to the augmentatioun of the ſaid ſtipend.

If ther ſalbe ane perpetuall ſecuritie made to the ſaid taxmen of thair teinds, vpon a ſpeciall greſſome to be condiſcendit vpon for ilk chalder, for the ſpace of xix ȝeirs; and to be renewit ȝeirlie therafter, for the ſaid ſpace, for the lyke greiſſome, upon this conditioun, that the ſaid principal tackſmen ſall grant and renew the lyke ſecuritie to thair ſubtakſmen, for payment of thair part of the ſaid greiſſome pro rato, quher any ſubtaks are.

Or if the great benefices ſalbe provydit to Miniſters vpon this conditioun, that all the kirks of the Prelacies be plantit with ſufficient Paſtours, and be provydit with competent livings, as the modifiers of the conſtant platt ſall think expedient, and he to pay the Kings Majeſtie ȝeirlie the tent part of the fruites of the ſaids benefices, quhilk ſall reſt by and attour the ſuſtentatioun of the ſaids Miniſters; and that all the inferiour benefices ſalbe provydit to Miniſters ſerving the cure of the ſaids kirks, as weill Perſonages as Viccarrages.

Or if all the great benefices ſalbe diſſolved, and the Prelat to have the principall kirk of the Prelacie with the temporal lands therof; and the reſt of the kirks to be provydit with qualified Miniſters; and the ſaid Prelate

and titulars of the faids kirks to pay ane zeirlie duetie to his Majeftie, as the benefice may beare at the ficht of the Commiffioners forfaids.

Quhilk overtures beeand red in the ficht of the Affemblie, it was ordainit, that every Synod fould have a copie of them, to be advyfit therwith vntill the morne, that they might give thair advice to his Majeftie, quhilk of the thrie were moft meitt to be imbraceit.

Anent the referris and petitiouns of the Synod of Fyfe givin in to this prefent Affemblie, to be advyfed vpon be the famein: The brethren nominats Mrs James Melvill, Johne Carmichaell, Robert Durie, William Scott, Johne Cowden, Johne Fairfull, James Nicolfone, Andro Lamb, Robert Howie, Patrick Sharp, George Gladftanes, and Johne Spottifwood, to conveine the morne at aucht houres, and advyfe vpon anfuers for fatisfactioun of the faid petitiouns, and to report the famen to the Affemblie.

The Articles of the Synod of Fyffe.

1. It wald be meinit be the Generall Affemblie, that the Generall Affemblies are not ordinarlie keipit, notwithftanding of the acts of Parliament and Generall Affemblie, and neceffitie of the tyme; bot the dyetts therof altered without the knowledge of the Prefbitries and Synods.

2. That Minifters are callit befor his Hienes Secreit Counfell, in prima inftantia, for doctrine and difcipline; quhilk is a great incouragement to the enemies.

3. That all applicatiouns in Exercifes of Prefbitries is found fault with, vnder pretence of the act of the Generall Affemblie; the quhilk act therfor wald be fightit and cleirly interpretit.

4. That the government of the cheife matters of the Kirk continues in the hands of a few number, vnder the name of a Commiffioun, to the prejudice of the liberties of the Synods and Prefbitries.

5. That the Doctours bearing ordinar calling in the Kirk, be the difcipline and cuftome therof, are debarrit from the Affemblies.

6. That the Affemblie hes takin no tryall hithertill, anent the cautiouns fett downe for avoiding of corruptioun in the Commiffioners, [voters] in the Parliament.

7. That the abfence of the Paftours of Edinburgh, [and the] alteratioun of the Miniftrie therof, quhilk was the cheife watch tower of our Kirk, hurts greatlie the caufe of religioun, and encourages the enemies.

8. That ther is diſtractioun of opiniouns different from that conſent of hearts, quhilk hes bein in the Kirk befor, in weghtie cauſes; and over little conſideratioun, deliberatioun, and reaſoning had, quherby concluſions paſſe, almoſt the halfe of the brethren gainſaying.

9. That the land is defylit, and the Kirk endamnagit, by the French Ambaſſadours meſs.

10. Excommunicat perſons for Papiſtrie ſufferit to haunt the countrey publicklie and peaceablie.

11. That the noblemen latelie relaxit fra excommunicatioun for Papiſtrie, gives no tokin of the profeſſioun of the trueth, but rather the contrair.

12. That apprehendit Papiſts directiouns and letters are keipit cloſe; and the danger imminent therby to the Kirk not communicat to the watchmen, quherby they may make faithfull warning, and prevent the perrill.

13. That the diſcipline of the Kirk againſt murther, inceſt, and adulterie, is not practiſed, [nor execute] with that holie ſeveritie that becomes; notwithſtanding of the frequent remiſſions obteinit be criminall perſons, for eſchewing of civill puniſhment.

14. That the remedies fett downe aganis apprehendit dangers, at diverſe tymes, and at diverſe meitings of the Kirk, are not followed foorth.

Anent the act made of befor aganis ſick perſons as abſtaines from the holie communioun, either for Papiſtrie, or for the colour of deadlie feids: The Aſſemblie ordaines, that every ane of the Miniſtrie keip this ordour following [within his kirk,] to wit, That he warne ſick perſons, be the ſpace of moneths befor the communioun, to compeir be themſelves for the ſamein; quhilk beand done, and they diſſobey, that every Miniſter incontinent therafter ſend the names of the diſſobeyars ſubſcrivit with his hand to ane of his Majeſties Miniſters, quha ſall intimat the ſamein to his Majeſtie and his Hienes Theſaurer, to the effect that his Hienes Theſaurer may put the acts made aganis non communicants to executioun aganis them; and that everie Preſbitrie command the Miniſters within thair Preſbitrie to be diligent in the execution of this act.

Becauſe it was meinit be the brethren, that the ſupplicatioun made in the laſt Aſſemblie to his Majeſtie anent the reſtraining of the libertie of noblemen and gentlemens ſonnes, that paſſes foorth of the countrey to ſuch places quher ther is reſtraint of the true religioun, Therfor his Majeſtie declairit, in preſence of the haill Aſſemblie, that he wald give a command to the Secrei-

tar, that he fould fubfcryve no warrand for paffing of noblemen or gentlemens fonnes foorth of the countrey, except they firft fand cautioun conforme to the tenour of the act made in the laft Affemblie, anent paffing of gentlemens fonnes foorth of the countrey.

The faid day, the Kings Majeftie having declairit that it was requifite that his Hienes had another Minifter adjoynit to his houfe, to the effect the Prince might be brought vp in the true religioun, Therfor the Affemblie tranfports Mr James Nicolfone from the kirk of Megle, and appoints him to be Minifter at the Kings houfe, to the effect forfaid; and ordaines him to entir in the faid function betuixt and the 15 day of Februar nixt to come, vnder the paine of deprivatioun, provyding he be firft fufficientlie provydit be the Kings Majeftie: And lykewayes ordaines Mr Andro Lamb to entir in his cure [in his Majefties houfe,] betuixt and the firft of Januar nixt to come, vnder the faid paine.

Anent the planting of the kirks of Edinburgh: Johne Robertfone and George Herriot, Commiffioners for the faid towne, being callit, declairit that for the prefent they had bot thrie kirks, quhilks alreadie were plantit with fixe Minifters; and quhen as thair fourth kirk, quhilk is prefentlie bigging, is compleit, they wald crave fupplement of vther twa Minifters.

Seffio 5a. 13 Novembris.

The brethren appointit for penning the forme and fubject of vifitatioun of kirks, gave in thair advyce as followes:

The vifitours fall appoint twa or thrie dayes for the tryall of every Prefbitrie within the bounds of thair vifitatioun; and be the fpace of a moneth, or twentie dayes at the leaft, befor thair edicts, they fall make the Prefbitrie acquaint therwith, and fend them the edict following, to be publifchit at every paroch kirk be fome vther rother then the Minifter, that it may be dewlie execute, reportit, and indorfit to the viftours, at the firft dyett of [thair] meiting.

[This Edict was never formed. C.]

Let the Edicts be fo directit be the Prefbitries, that ane equall number

[fall to] be tryit in every ane of the dayes appointit for tryall of ilk Preſbitrie; and the Commiſſioners of congregatiouns to be chargit to thair awin dyetts accordinglie.

Try the eſtate, firſt, of every Miniſter particularlie; therafter the eſtate of the congregatiouns and countrey; and laſt the eſtate of the Preſbitrie in generall.

The particular tryall of Paſtours.

Try ilk Paſtour ſeverallie, in his graces, and habilitie to diſcharge his calling; in his furniture of bookes and neceſſar helps that may inable him in his calling; with quhat fidelitie and prudence he diſcharges himſelfe in doctrine and diſcipline, in his lyfe, and the eſtate of his living.

For this effect, inquyre firſt of the Commiſſioners of his congregatioun, quhat teſtimonie he hes of his awin Seſſioun and remanent of his flock; and in ſpeciall if he be reſident in his parochin vpon his manſs and gleib; if his awin lyfe and the government of his familie, be ſuch as breids no offence, bot edifies his flock; if he teaches every Sabboth once or twyſe, and if he teaches any vther dayes in the week; if he miniſters the communioun zeirlie with due examinatiouns preceiding; if he hes ane eſtabliſchit Seſſioun of Elders and Deacons; if he keips a weiklie conventioun with his Seſſioun for the exerciſe of diſcipline; if he catechiſes weiklie a part of his parochin; if he keips ane ordinar viſitatioun of ſome families of his congregatioun weiklie; if he viſites the ſeik and diſtreſt quhen occaſioun requyres; if he be carefull to take away all eyeliſts and variances that falls out in the congregatioun.

Therafter, if neid beis, let him be tryed be the opening vp of ſome place of Scripture, and be queſtiouns; let it be inquyrit of him, quhat helps he hes for the advancement of his ſtudies; if he hes the text of the Scripture in the originall languages, in cace he be ſein in the tongues; if he hes Tremellius tranſlatioun of the Auld Teſtament, and Bezas of the New, with the vulgar Inglis tranſlatioun; if he hes the Common Places; if he hes the Eccleſiaſticall Hiſtorie; quhat Commentaries he hes vpon the Scriptures, and ſpeciallie vpon his ordinar text; if he hes the Acts of the Counſell of [Trent;] and quhat vther wryters of the controverſies of religioun; and if he vſes the conference of brethren for his reformatioun in the doubts that he finds in his reiding, and of quhom; if he hes ane ordinary courſe

of reiding the Scriptures, Ecclesiasticall Histories, and Controversies; if he makes any memoriall of his travells in wryte; quhat is his ordinary text; if he be provydit in the title of the Personage or Viccarage, and if he hes sett any tacks therof, to quhom, and on quhat conditioun; in whose hands are the rents of his kirk; and quhat is the best overture he can give for provisioun of a stipend therat, in cace it be not alreadie sufficientlie provydit: and sicht the Sessioun Booke.

The brother beand removit, let the Presbitrie be inquyrit ane be ane, and declare vpon their conscience quhat they know anent his graces, fidelitie in doctrine and discipline, and anent his lyfe and conversatioun. After the quhilk tryall, let him be judgeit, and either allowit or admonisched; or vtherwayes censured, as the cause requyres.

The tryall of the Congregatiouns.

Try every Minister particularlie, if ther be any Jesuites, Papists, Seminarie Priests, traffiquers against the estate of religioun and quyetnes of the countrey, within thair congregatioun, or resetters of them: if ther be any witches, excommunicats, contraveiners of the discipline of the Kirk; [if ther be any superstitious dayes keipit, be setting out of banefires,] or vtherwayes; if ther be any superstitious places of pilgrimages, wells, and chappells; if ther be any non communicants; [if ther be any] homicides, or deadlie feids; if ther be any adulterers, or incestuous persons; if the Sabboth be profaned be keiping of mercatts, or labouring, speciallie in the tyme of harvest: And as they find in the premisses, to take ordour for reformatioun of the points forsaids, or any part therof.

Tryell of the Presbitries.

Let the Moderatour be inquyred, if they keip thair ordinar conventiouns; if they have thair monethlie discourse vpon the commoun heids and disputations; if they [have] visited the haill kirks within thair bounds sen the last generall visitatioun; if they take ouklie and monethlie account of thair brethrens diligence in the discharge of thair dutie, by catechising and visiteing of thair families; and sicklyke, if ther be any of thair number that be insolent, and will not acquiesce in the determinatiouns of his

brethren; [if ther be any eyelift or divifioun amang the brethren;] quhat vnplantit kirks are in thair bounds.

Quhilk forme the Affemblie thinks good, and ratifies and approves the famein; and ordaines it to be vniverfallie obferved in all tyme comeing, in all vifitatiouns within this realme: and ordaines the power of the vifitours to be direct conforme to the acts of the Generall Affemblie.

The faid day, the brethren appointit to vifite the petitiouns of the Synodall of Fyffe, condifcendit vpon the anfuers following.

Anfuers to the Petitiouns of the Synodall of Fyfe.

1. Finds, that the Generall Affemblies fould be appointit and keipit according to the act of Parliament, haldin at Edinburgh the 5 of Junij 1592 zeirs, quherof the tenour followes, fo farre as concerns that point: And ficklyke ratifies aud approves the Generall Affemblies appointit be faid kirk; and declares that it falbe lawfull to the Kirk and Minifters, everie zeir once at the leaft, or oftener pro re nata, as occafioun and neceffitie fall requyre, to hald and keip Generall Affemblies; provydand that the Kings Majeftie, or his Commiffioners with them, to be appointit be his Hienes, being prefent at ilk Generall Affemblie befor the diffolving therof, nominat and appoint a tyme and place, quhen and quher the nixt Generall Affemblie fould be: And in cace neither his Majeftie nor his faids Commiffioners beis prefent for the tyme, in that towne quher the Generall Affemblie beis haldin; then and in that cace it falbe leifum to the faid Generall Affemblie be themfelves to nominat and appoint tyme and place, [quhen and] quher the nixt Generall Affemblie of the Kirk beis keipit and haldin, as they have bein in vfe thir tymes by paft.

2. If his Majeftie fall proceid againft Minifters, according to his Majefties awin declaratioun made and inactit in the Generall Affemblie haldin at Dundie [1597,] Seffioun 10. the defyre of the fecond article is fatiffied, and no vther thing meanit therby

3. Thinks it expedient, that the act anent the applicatioun in the Exercife be interpret not to be extendit to forbid the vfing of the Word of God in applicatioun to the general ends therof, quhilk is laufull to exercife after this manner: this heid of doctrine ferves for the refutatioun of fuch ane errour, for the rebuik of fuch a vyce, for conforting of fuch a perfon in

ſuch a caſe. And as for particular and perſonall applicatioun, leaves it to be advyſit, whether it ſalbe in tyme comeing or not, and how farre; and thinks it good, that this be reaſonit in the Preſbitries; and then [that] Commiſſioners [be] ſent with thair reaſons to the nixt Aſſemblie theranent; and, in the meane tyme, no innovatioun to be vſit anent perſonall applicatioun.

4. Let all commiſſiouns be givin and vſed from this [tyme] foorth, according to the acts of the Generall Aſſemblie.

5. Finds, that Doctours hes had, and may have, vote in the Generall Aſſemblie, they haveand a laufull commiſſioun for that effect, according as it hes bein found be the General Aſſemblie haldin at Edinburgh the 10 of May [1586,] and at 1581, quher it is found and declarit be the act of the Generall Aſſemblie, that Doctours ſould concurre with the Elders as brethren in all Aſſemblies.

6. Let the caveats be looked to, and preceiſlie keipit in tyme comeing, vnder the paines conteinit in the acts made theranent.

7. Anſuerit in the Aſſemblie.

8. [Nothing to be done and concluded in Aſſemblies, except it be ſufficiently reaſoned and deliberated. C.]

9. Acquieſes in the declaratioun of the brethren that hes ſpokin to his Majeſtie theranent; and deſyres Mr Walter Balcanquell to ſhew the ſame to the Aſſemblie, and how the Preſbitrie of Edinburgh is ſatiſfied in this point.

10. Let thair names be given vp, that his Majeſtie may take ordour with them according to the lawis; and in ſpeciall with Captaine Halkerſtoun, Patrick Butter, Mr Alexander Leſlie, Duncane Law, Thomas Browne, William Leſlie of Concraig, and Patrick Mortimer.

11. Anſuerit in the Aſſemblie.

12. To acquieſce in his Majeſties declaratioun heiranent, and [to] requeiſt his Majeſtie, that the Preſbitries be acquaint heirafter, in ſuch caſe quher it ſalbe neidfull.

13. Quher ther is negligence in this point, let it be amendit heirafter, according to the acts of the Aſſemblie.

14. Let farther diligence be vſit, quher negligence hes bein.

Quhilks anſuers the Aſſemblie allowes of, and ordaines the ſamein to be inſert in the Books of the Aſſemblie.

The quhilk day, the Generall Affemblie haveand advyfedlie confidderit the neceffitie of appointing Commiffioners from this prefent Affemblie, not only to awaite vpon fuch affaires as falbe for the weill and vtilitie of the Kirk [of God,] bot alfo to give advyfe to his Majeftie anent the halding furth [of the enemies] of the fame, quhen they falbe requyrit be his Majeftie therto: Therfor the brethren conveinit in this prefent Affemblie hes givin and grantit, lyke as they, be the tenour heirof, gives and grants thair full power and commiffioun to the brethren vnderwrytin, viz. Mrs Robert Pont, David Lindfay, George Glaidftanes, David Hoome, Johne Clappertoun, Johne Knox, Johne Spottifwood, Alexander Lindfay, Robert Howie, Johne Hall, Johne Caldcleugh, Johne Strauchan, Andro Knox, Gawin Hamiltoun, James Law, Andro Boyd, Alexander Dowglas, Alexander Forbes, Andro Leich, Robert Wilkie, Patrick Sharp, Peter Blackburne, Patrick Simfone, with the Kings Minifters, or any nyne of them; Giveand, grantand, and committand to them thair full power to plant fuch kirks in Burrowftounes as [is] or falbe deftitute of Paftours:

Attour, If it fall happin the Kings Majeftie to be greivit at any of the Minifters for quhatfumevir enormitie committit be them againft his Hienes, with power to them, or any nyne of them, as faid is, to try and cognofce thervpon, and to take fuch ordour theranent as they fall think meitt to the glorie of God and weill of his Kirk.

And finallie, With power to them to prefent the greives and petitiouns of this prefent Affemblie to his Majeftie and Secreit Counfell, and generall Conventioun of Eftates and Parliament, if any fall happin to be; and to crave redreffe of the famein: Promitten de rato.

The faid day, the Affemblie, confidering that the conventiouns of the peiple, efpeciallie on the Sabboth day, are verie rare in many places, efpeciallie be diftractioun of labour, not only in harveft and feid tyme, bot alfo every Sabboth, be fifching both of whyt fifch and falmond fifching, and of ganging of mylnes, [the Affembly difchargeth, and inhibiteth all fuch labour of fifhing, as well white fifh as falmon fifh, and going of mylnes,] of all forts vpon the Sabboth day, vnder the paine of incurreing the cenfures of the Kirk; and ordaines the Commiffioners of this prefent Affemblie to meane the famein to his Majeftie, and to defyre that ane pecuniall paine might be injoynit vpon the contraveiners of this prefent act.

Anent the overtures givin in be the Commiſſioners of the conſtant plat, with the quhilk the brethren were ordainit to be advyſit: After mature deliberatioun and voteing, the Aſſemblie thinks the ſecond overture moſt expedient to be acceptit, bearing the proviſioun of Miniſters to all Prelacies, with the conditiouns therin conteinit, as is above expreſt.

Anent the planting of the kirks within the bounds of Annandaill, quhilk hes bein deſolat continuallie, ſen the reformatioun of the religioun within this countrey: After that the Kings Majeſtie had made declaratioun of his godlie intent theranent, how that his Majeſtie was myndit to cauſe the barrones and gentlemen of Annandaill, at their compeiring befor his Hienes, quhilk wilbe ſhortlie, find ſufficient catioun and ſovertie for proviſioun of reaſonable and competent livings to every ane of the kirks within the bounds of Annandaill; and therfor deſyreand that ane number of qualified men may be provydit for to enter in the Miniſtrie at the kirks within the ſaids bounds: The Aſſemblie ordaines every ane of the Commiſſioners preſent to give vp the names of ſuch perſons quho are vacand within thair Preſbitries, and willing to entir in the Miniſtrie, to the effect they may be exhortit and earneſtlie dealt with be the Commiſſioners of the Generall Aſſemblie, quho ſall plant them in places they think moſt meit, for to accept vpon them the cure of the ſaids kirks, how ſoone ſufficient proviſioun may be found out for them, and ſecuritie for themſelves: And in cace that after all the diſcretioun [be] vſit with them, they then refuſe to accept the ſaids callings vpon them, the Aſſemblie declares that they ſalbe countit vncapable of the function of the Miniſtrie, ay and quhill they meine themſelves to the ſaid Commiſſioners, whoſe calling and directioun they refuſed, and be content to be employed in any part they [ſall] think expedient; and if they be already actuall Miniſters, and craves tranſportatioun, if they refuſe to be tranſportit to any of the ſaids vackand kirks, the Aſſemblie finds, that the libertie of tranſportatioun ſalbe denyed to them, ſo that they ſall remaine at the ſaids kirks, fra the quhilk they craveit to be tranſportit.

The names of ſuch as are vacand.

BRECHIN.

Mr Hendrie Fullertoun.
Mr Thomas Hogge.
Mr Dowgall Campbell.

ABERBROTHOCK.

Mr Thomas Glover.

DUNDIE.

Mr David Lindſay.
Mr John Scrymgeour.

SANCT ANDROES.

Mr William Wedderburne.
Mr Peter Bruce.
Mr Daniel Wilkie.
Mr David Kynneir.

PERTH.

Mr Thomas Ros.
Mr James Ros.
Mr Alexander Balnevis.
Mr Patrick McGreigour.

MERS.

Mr Johne Spotiſwood.
Mr Johne Gibſone.
Mr William Struther.

IRVING.

Mr Robert Boyd.
Mr James Montgomerie.
Mr Malcolme Hamiltoun.
Mr Robert Frenſch.

LANERICK.

Mr George Cliddiſdaill.
Mr David Roger.
Mr David Lindſay.

Acta Seſſione 6a. Novembris 1602.

Anent the ſupplicatioun givin in be Alexander Stewart of Gairlies, Proveſt of Dumfreis, in name and behalfe of the Counſell and communtie of the ſaid towne, makand mentioun, that quher be the tranſportatioun of Mr Hew Fullertoun, ſome tyme Miniſter at thair kirk, the eſtate of thair congregatioun is altogether deſolate in ſick ſort, that for inlake of a Paſtor quho ſould attend vpon the flock, and to care the weill of thair ſoules, they are not only depryvit of the ſpirituall food and confort of the Word, but alſo thair towne is become a receipt of excommunicat Papiſts and Jeſuites; deſyreand therfor the Aſſemblie to conſidder thair miſerable eſtate, and to provyde ſome qualified man to be thair Paſtour; and in ſpeciall, ane of the leits given in be them, viz. [Mrs David Barclay,] William Airthur, Alexander Scrymgeour, William Watſone, Hew Fullartoun; promiſing that [not] only that they wold be reverent hearers of the Word, but alſo [that] they wold concurre with him and aſſiſt him that ſalbe nominat to be thair Paſtour, in the executioun of diſcipline of the Kirk to the vttermoſt of thair power; as at mair lenth is conteinit in thair ſupplicatioun: The Aſſemblie, after voting, hes choſin Mr William Airthur to be Miniſter at Dumfreis, quham they ordaine and appoint to be Miniſter at the ſaid kirk, after incalling on the name of God.

The ſaid day it was thoght good be the brethren, to be meanit, that notwithſtanding his Majeſties good mynd and intentioun to have all the kirks within this realme ſufficientlie plantit with Miniſters with competent livings appointit for them; and albeit it was provydit be the act of Februar, and approvit in Parliament, that all the thrids of benefices ſould be applyed to the vſe of the Miniſtrie ay and quhill the kirks were plantit, and that penſiouns givin [in prejudice] therof ſould be null; zet be importune ſuteing, ane great part of the ſaids thrids are diſponit in penſiouns, to the great hinderance not only of the preſent proviſioun of Miniſters, but alſo of the conſtant platt, quhilk his Majeſtie intends: Deſyreing therfor that his Majeſtie were informit therof, and take ſuch ordour, that the ſaids diſpoſitions made in contrair the ſaid act of Februar ſould be retreatit, and that command be givin to the modifiers of the platt of this inſtant zeir, to aſſigne out of the ſaids penſiouns for planting of kirks, notwithſtanding of ſaids diſpoſitiouns: The quhilk his Majeſtie moſt willinglie grantit, and promiſt to ſtay all farther gifts in any tyme comeing.

Item, The Aſſemblie thocht expedient to adjoyne and nominat vthers out of the number of the brethren to be adjoynit to theſe, quhilk were nominat be Commiſſioners of Provinces conveinit at Halierudehous, the 15 of October 1600 zeirs, out of the quhilk number his [Majeſtie] ſould make choiſe of ſuch as he ſould preſent to the benefices vacand. The names of them all are, as ſollowes, Mrs Robert Pont, Robert Howie, James Nicolſone, Alexander Scrymgeour, Johne Forbes, Gawin Hamiltoun, George Monro, James Robertſone, Johne Howiſone, James Melvill, Andro Knox, Patrik Galloway, Alexander Dowglas, Alexander Lindſay, Robert Wilkie, Johne Spottiſwood, William Malcolme, Alexander Forbes, Johne Knox, Andro Lamb, Johne Clappertoun, George Grahame, Robert Bruce, John Carmichell, Patrick Lindſay.

Anent the requeiſt made be the Moderatour, in name of the haill Aſſemblie, to his Majeſtie, in favours of Mr Robert Bruce: His Majeſtie declairit that he wald doe in that matter be the advyce of the Commiſſioners of the Generall Aſſemblie, and [as] Mr Robert be his awin behaviour ſould give him occaſioun. And becauſe Mr Robert Bruce had be his miſſive direct to his Majeſtie befor his departure aff the countrey, as alſo be the ratificatioun and farther examinatioun and explanatioun therof, in wryte [at Sanct Johnſtoun] the 26 of Junij 1602, declarit his reſolutioun of his Majeſties innocencie, and guiltines of the Erle of Gowrie and his brother, and promiſed to divert the peiple ſo farre as in him lay, from their leud opiniouns and vncharitable conſtructiouns anent his Majeſties actiouns, namelie, in this turne: Therfor, his Majeſtie deſyrit the determinatioun of the Aſſemblie, Whither if the ſaid Mr Robert ſould lykewayes make the ſame declaratioun in pulpitt, according as it is at length ſett doune in the ſaid miſſive and explanatioun therof, at Perth, quherof the tenour followes.

Pleis zour Majeſtie: Hearing that zour Majeſtie was nothing relentit of the former wrath againſt me, and being now vpon the point to ſhew my obedience to your Majeſties laſt charge, I could not omitt this as my laſt duetie, to intreat zour Hienes clemencie, and to mitigate the extremitie of this intendit wrath. I am not ignorant of that ſpeich, That the wrath of the Prince is the meſſinger of death; ſo that I crave, that the Lord for Chryſts ſake may adde his bleſſing, and worke effectuallie in your Grace, as he ſall ſie expedient for his awin glorie, and zour Majeſties perpetuall preſervatioun.

Then to be ſhort: To ſhew my conformitie with the reſt of my brethren of the Miniſtrie, as at all tymes, ſo now eſpeciallie, to ſhew my reverence to ȝour Majeſtie, and to cleir my ſuſpect affectiouns heirin, I offer to give to the Father of our Lord Jeſus Chryſt, in him, and through him, moſt heartlie thanks for all ȝour Majeſties delyveries from ȝour cradle to this preſent houre; but namelie, for that delyverie quhilk he gave to ȝour Majeſtie, [at Sanct Johnſtoun,] on Tueſday the 5 of Auguſt, farre above all our deſerts, and ȝour Majeſties expectatioun.

I offer alſo to ſtirre vp the peiple to that [ſame] duetie, and alſo to divert the peiple ſo farre as lyes in me, from thair lewd opiniouns, and vncharitable conſtructiouns of ȝour Majeſties actiouns, namelie in this turne.

Finallie, Ther is no duetie that ȝour Majeſtie can crave of me, without the [manifeſt] offence of God, and hurt of my awin conſcience, but I will doe it with als good a heart as ever I did [any] thing in this earth; that if by any meanes I might teſtifie my good affectioun to ȝour Majeſtie my Soveraigne, and to enjoy my naturall aire, and ſuch vther comforts as the Lord hes given me vnder ȝour Majeſties reigne, quhilk I moſt humblie crave of ȝour Majeſtie; beſeikand the Lord to move ȝour heart heirvnto for Chryſts ſake. So waiting of ȝour Hienes anſuer in all humilitie, I take my leave. Sic ſubſcribitur,

Mr ROBERT BRUCE.

[And upon the back therof, At Perth the 25 of June 1600. C.]

Farther, Concerning the heids within conteinit, I am reſolvit [of] his Majeſties innocencie, and the guiltines of the Erle of Gowrie and his brother, according as it is declairit be the act of Parliament; and therfor acknowledges the great mercie of God towards his Majeſtie, haill Kirk, and countrey, in his Majeſties delyverance; for the quhilk I thank God from my heart. Sic ſubſcribitur,

Mr ROBERT BRUCE.

The quhilk the haill Aſſemblie, after votting, thocht not only reaſonable, bot alſo concludes, that the ſaid Mr Robert aucht to doe the ſame.

Anent the ſupplicatioun givin in be Mr Robert Pont, Miniſter at Sanct Cuthberts Kirk, deſyreand, in reſpect of his great age, and long travells takin in the Kirk of God, and continuall ſeiknes quhilk followeth age,

that he might be releivit from the ordinarie burdein of the teaching, vpon conditioun that he ſall ſubſtitute ane in his place quhen through infirmitie he ſall not be able to teach himſelfe: The Aſſemblie thinks his ſute reaſonable, and therfor condiſcendit to the ſame.

Item, Becauſe his Majeſtie declarit, that he was informit that ſundrie of the Miniſtrie neglectit that part of thair duetie towards his Majeſtie in not giving thanks to God for the wonderfull delyverie of his Majeſtie from the treaſonabill attempt [at Sanct Johnſton] of Johne fometyme Erle of Gowrie, and his brother, vpon every fyſt day of Auguſt: Therfor the Aſſemblie ſtatutes and ordaines, that in all burrowſtounes within this realme ther be ordinar preaching and teaching every Tueſday, in the remembrance of the delyverie of his Majeſtie that day of the weik; and that every fyſt day of Auguſt ther be preaching in every kirk within this realme, to burgh and to land, thankand God of his Majeſties delyverance that day of the moneth.

And becauſe the peiple in landwart parochines cannot be ſo eaſilie conveinit as in burrowſtounes, therfor, and for [their] better conveining, it is ordainit, that everie Miniſter at everie landwart kirk ſall, vpon the Sonday preceiding the fyſt day of Auguſt, make intimatioun to his parochiners, that they conveine the ſaid day in the kirk with him, to thank God for his Majeſties delyverance.

And to the effect that all ryotouſnes, drunkennes, and vther filthie exerciſes, may be reſtrainit, his Majeſtie promiſed to cauſe all inſolencie in behaviour to be diſchargit and forbidden every ȝeir be [open] proclamatioun, and Magiſtrats to take ordour with the contraveiners therof.

Item, The Aſſemblie ordaines, that no marriages be celebrate airlie in the morning, or with candle light; and finds lykewayes, that it is leiſum to celebrate the ſaid band of mariage vpon the Sabboth day, or any vther preaching day, as the parties ſall requyre and think expedient; and ordaines the ſame to be indifferentlie done; and that no ryotouſnes be vſed at the ſame vpon the Sabboth day.

Item, It is ſtatute, that the ſacrament of baptiſme be not refuſed to any infants, if the parent crave the ſame, he giveand a Chriſtian confeſſioun of his faith, vpon any vther particular pretence; and ſpecially, that baptiſme be not delayit to certaine particular dayis.

Anent the ſupplicatioun givin in be Mr Edward Bruce, Commendatour, Abbot of Kinloſs, makand mentioun, that quher he haveand ane tack and

affedatioun of the Kirk of Tarbet, fett be Mr Johne Monro, and Mr David Lindfay, Bifchop of Ros, the zeirlie duetie quherof, albeit it extends only to the fowme of twa hundreth pounds, nevertheles [he,] for the better intertainment of the faid Mr Johne, actuall Minifter at the faid kirk, hes condifcendit to convert the faid fowme of twa hundreth pounds in ten (twa?) chalder of beir as for ane conftant ftipend to the faid Mr Johne and his fucceffours, Minifters at the faid kirk of Tarbet, vpon conditioun that the Minifters of the Prefbitrie of Ros, quhilk are of the Chapter of the faid Bifchoprick, wald ratifie and approve this tack of the faid kirk, quhilk they wald willinglie doe, provyding the Affemblies [confent] were obtainit therto, as at mair lenth is conteinit in the faid fupplicatioun: The Generall Affemblie ratifies and approves the faids tack and affedatioun, fett to the faid Commendatour, of the teinds of the faid Kirk of Tarbet, as weill be the faid Mr Johne Monro as be the faid Mr David Lindfay; and ordaines the brethren of the Prefbitrie of Ros, quho are members of the faid Chapter, to confent to the fame be thair fubfcriptiouns; becaufe they vnderftand the faid kirk to be fufficientlie plantit be the moyen forfaid.

Anent the fupplicatioun givin in be Mr Patrick Carmichaell, Minifter at Aberdoure, makand mentioun, that quher the Affemblie haldin at Montrois in Marche 1600 zeirs, it was concludit, that Mr William Patoun fould ferve the cure of both the kirks of Aberdoure and Dalgatie, and for his fervice fauld uplift the auld ftipend of both the faids kirks, ay and quhill fufficient provifioun were made for planting of both the faids kirks; and true it is that the faid complainer is now plantit Minifter at Aberdoure; defyreand, therfor, to caufe the halfe of the faid ftipend to be dimittit to him be the faid Mr William, in refpect of his fervice at one of the faids kirks: The Affemblie finds [and decerns] the haill ftipend contravertit to appertaine to Mr William Patoun, Minifter at Dalgatie, conforme to his affignatioun of the crope and zeir of God 1601 zeirs, except the Viccarrage of Aberdoure, quhilk they adjudgeit to pertaine to the faid Minifter at Aberdoure.

Anent the fupplicatioun givin in be the north Paroch of Leith, makand mentioun, that quher the Prefbitrie of Edinburgh hes erectit the faid north Paroch of Leith in ane parochin, quhilk is alfo approvin be the Synodall of Lawthiane; defyreand, therfor, the ratificatioun of the Generall Affemblie vnto the fame: The Affemblie ratifies and approves the erectioun forfaid in all points.

Anent the ſupplicatioun givin in be the inhabitants of the Ferrie of Scottiſcraig, Garpat, Shamvall and Muirtaine, makand mentioun, That they being a great multitude, and farre diſtant from thair paroch kirk of Leuchars, they, with commoun conſent of the haill parochiners, Preſbitrie of Sanct Androes, and Synod of Fyffe, hath erectit ane paroch kirk in the ſaid Ferrie, and almoſt compleitit the ſame, for the commoditie and vſe of the peiple moſt adjacent therto; deſyreand, therfor, the Aſſemblies authoritie to be interponit therto, and to give power to the Preſbitrie to annexe ſick villages as are moſt adjacent to the ſaid paroch kirk: The Aſſemblie ratifies the erectioun forſaid, and gives power to the ſaid Preſbitrie to the effect above wrytin.

Anent the ſupplicatioun givin in be ane Noble Lord, Alexander Erle of Lynlithgow, makand mentioun, That quher it hes pleaſit the brethren of the laſt Aſſemblie to relaxe Dame Helenor Hay, his ſpouſe, from the ſentence of excommunicatioun, and to injoyne certaine particular conditiouns to be obſerved be her, quhilks conditiouns, albeit ſhe, of the ſtubbornes of her heart, wald no wayes condiſcend to obey, to his great greife and ſorrow; nevertheles, the brethren ſould have conſideratioun of his hard eſtate, quho cannot, be no law, ſeparate himſelfe from her, notwithſtanding that ſho refuſes to heare and obey the wholeſome voyce of the Kirk, calling her to grace in Jeſus Chryſt; and the rather becauſe he himſelfe, as he hes continuallie and conſtantlie profeſt the trueth and religioun preſentlie profeſt within this realme, ſo he hes vſed all meanes poſſible for bringing his ſpouſe to the true knowledge of the ſame; lykeas alſo he is readie to doe quhat lyes in his power, be all good meanes, to draw her to the trueth; deſyrand, therfor, the Aſſemblie to pitie his daylie griefe, and ſhew him ſome favour in the mitigatioun of her puniſhment, and ſtaying of the cenſure of excommunicatioun aganis her, that he be not compellit to remaine in ſocietie with her that ſalbe cutt off from the ſocietie of the Kirk: The Aſſemblie having conſidderit the ſupplicatioun, continues the pronouncing of the ſentence of excommunicatioun againſt her vnto the nixt Generall Aſſemblie, provydeing that the Kings Majeſtie remove his Hienes daughter out of her companie; and lykewayes that his Lordſhips bairnes be catechiſit in the trueth; and lykewayes that his Majeſtie give command to him to debarre all Papiſts from his houſe; and that, in the meanetyme, his Lordſhip cauſe deale with his ſaid ſpous, to ſie if by any meanes ſho may be drawin to the acknowledging of the trueth.

Seſſio Vltima, 16 Novembris 1602.

Anent the ſupplicatioun givin in be the brethren of the Synod of Glaſgow, makand mentioun, That quher albeit ſundrie tymes, be their actis, they had diſcharged Mr George Simple to have any meddling with the Miniſtrie of the Kirk of Killellane, for the cauſes and conſiderationns knowin to them, and ſpeciallie for a great miſlyking that ſpecialls of the paroch had of him; nevertheles he had not only inſiſtit in ſuteing of the ſaid kirk, but alſo he had obteinit, be privie moyen, the conſent of the Commiſſioners of the Generall Aſſemblie therto, for planting of him at the ſaid kirk, the ſaids brethren not being heard, nor thair reaſons in the contrair diſcuſſed; deſyreing, therfor, that thair reaſons may be heard, and, after dew tryall, that the Aſſemblie wald give thair finall ſentence in the ſaid matter, quhilk they wald obey:

The Aſſemblie, after due tryall, abſolves the ſaid Mr George from all evill crymes and eyliſts quhilk were laid to his charge, either be the brethren of the ſaid province, or be the parochiners of Killellane, and gives him, be thir preſentis, a teſtimonie of his honeſt behaviour; bot in reſpect that he was nevir plantit fullie Miniſter at the ſaid kirk, and of the great miſlyking that is betuixt him and ſundrie of the ſaids parochiners of Killellane, as ſaid is, they think it not good that he be plantit Miniſter at the ſaid kirk; and, therfor, ordaines him to deſiſt therfra, and to dimitt the preſentatioun made to him of the benefice therof, in favours of Mr Johne Cunighame, quhom the Preſbitrie hes thoght good to be Miniſter therat, vpon conditioun that the ſaid Mr George be firſt ſatiſfied be the ſaid Mr Johne, for his ſaid dimiſſioun, paines and loſe ſuſteinit be him in pleying of the ſame: Quhilk ſatiſfactioun ſalbe preſentlie modified be Mr Johne Cowper, arbiter choſen for the ſaid Mr William Cunnighame, and Mr Robert Pont, arbiter choſen for Mr George Sempill; and in cace of variance, be Mr Patrick Galloway, as oddiſman and ovirſman choſen be both thair conſents: With proviſioun lykewayes that the ſaid Mr George be firſt plantit at the Kirk of Kirkbeane, or any vther place quher his Majeſtie ſall think expedient in the ſouth weſt parts, with ſufficient proviſioun for his ſuſtentatioun therat.

The ſaid day, the Aſſemblie ordaines Richart Browne to be tranſportit to the kirk of Haliewood, and that the brethren deale with the Abbot for

a ſufficient proviſioun to the ſaid kirk, and in ſpeciall Mrs David Barklay, Robert Hunter, and Hew Fullertoun.

Item, The Aſſemblie ordaines, that, in all tyme comeing, the licence to be grantit to any beneficit Perſon to ſett tackis, be reſtrainit either to ane lyferent tack, or to ane nynetein ȝeir tak allanerly.

Anent the ſupplicatioun givin in be Mr John Nicolſone of Laiſwad, beirand, that quher he was kyndlie takſman of the teinds of his awin lands of Leſſwaid, in reſpect quherof he had aggried with Mr George Ramſay, Deane of Reſtalrig, for renewing of his ſaids tacks for paying of a greater duetie then they payed of before, ſo that the kirk was ſufficientlie plantit; to the quhilks the ſaid Mr George condeſcendit; deſyreand, therfor, the Aſſemblie to ratifie [and approue] the ſaids tackis, and declare the ſamein als ſufficient as if ane ſpeciall licence had been obtainit to ſett the ſame: The Aſſemblie ratifies and approves the ſaids taks of the teinds of his awin lands of Leſſwaid, and declares the ſamein als ſufficient, as if a ſpeciall licence had bein obteinit therto.

Item, At the earneſt ſute of the Preſbitries of Cliddiſdaill, Walter, Pryour of Blantyre, tackiſman of the Perſonage of Glaſgow, condiſcendit to give 15 chalders victuall, by and attour the duetie of his tacks, for the better proviſioun of the Miniſtrie at the ſaid kirk of Glaſgow, vpon conditioun that the preſent Perſon ſould ratifie and approve his preſent tack that he hes to runne of the ſaids teinds: The Aſſemblie thinks the conditioun reaſonable, and, therfor, ordaines the preſent Perſon to ratifie the ſame; and declares that the ſaid Commendatour ſall not be farther troublit for any greater proviſioun to the ſaid kirk during his ſaids tacks, be nane of the Miniſtrie ſerving that cure.

Anent the propoſitioun made in the Aſſemblie vpon the privat motiouns of ſundrie particular brether, from diverſe parts, to the Moderatour, deſyreand that a certaine number of the brethren of beſt judgement and experience ſould be put apart to conſidder of the chiefeſt dangers appeirand to religioun, and quyetnes of the eſtate of the countrey, and of the principall cauſes therof, and how the ſamein might be moſt effectuouſlie preventit; with power to them to conclude, and communicat thair beſt advyces to his Majeſtie theranent, and to the Preſbitries, ſo farre as ſhalbe found expedient: The Aſſemblie finds the ſamein moſt requiſite, and, for the effect above wrytin, nominates, &c. with power as ſaid is.

The quhilk brether having at length communicat thair informatioun, to-

gether with thair awin knowledge, anent the premiſſes, Finds that ane of the cheifeſt cauſes of danger proceids from the miſcontentment of ſome outragious and malicious Papiſts, that rages and leaves nothing vnaſſayit to trouble; for being out of all eſperance to have his Majeſties indifferent affectioun, or overſight over them and thair religioun during his reigne; and of vthers that be the executioun of juſtice finds themſelves or thair friends and thair houſes to have ſuſtainit any loſe, and to be impairit of thair greatneſs and dependance, and to be redactit to live vnder the obedience of lawis vtherwayes nor they were wont; and from the malicious buſſines of certaine craftie and ſeditious perſons, that either for the preſent neceſſitie of thair awin eſtate, or for hope of advancement and gaine to be had in the change of the preſent governement, ceaſes not be all meanes to inflame the hearts of ſuch as they perceive to be miſcontentit in any eſtate, and making every man to ſie his awin deſyre in the trouble of the countrey; dealing in the meanetyme lykewayes with ſuch as are of the moſt ſincere affectioun to religioun and juſtice, that things is not done in that integritie that is profeſt; preaſing hereby to make the godlie and good ſubiects the more cold adverſaries to ſuch as wold intend a trouble:

For remeid quherof it is thoght good and concludit, that his Majeſtie ſalbe informed heiranent, that, be his awin care and foirſight, ſuch vngodly plats and counſells may be fruſtrate; and ſiclyke that every Miniſter within this realme ſall deale generally with thair congregatiouns and auditors, at all occaſiouns, in thair publick doctrine in pulpitt, and with all noblemen, barrones, gentlemen, and vthers that are of any ſpeciall credit or power, particularlie in thair privie conferences, perſwading them of the Kings honeſt mynd for eſtabliſhing of the true religioun preſentlie profeſt within this realme, and of the executioun of juſtice, and of his ſtedfaſt reſolutioun to hazard his eſtate, lyfe and crowne, in the cauſe of the Goſpell, with the ſtanding and falling quherof, he acknowledges his ſtanding and falling to be inſeparablie conjoynit; and that they mark narrowlie the actiouns of all men, ſpecially of ſick as that either for religioun, or executioun of juſtice, or for the neceſſitie of thair awin eſtate, miſlykes the preſent governement, and are inclined to novatiouns, and quhom they ſie in any kynd of extraordinar buſſines by thair cuſtome; and that they make his Majeſties Miniſters acquaint therwith, not ceaſing in the meane tyme to bring them to ane quyet mynd: and for this effect, that in all thair ordinarie meitings in Seſſiouns, Preſbitries, and Provinciall Aſſemblies, ther be a particular and

privat inquiſitioun in thir points as neid beis, that his Majeſties Miniſters may be advertiſed with all expeditioun: And lykewayes it is thocht expedient and concludit, that his Majeſties Miniſters, and ſick vthers of the Miniſtrie as ſall have occaſioun to be in any charge about his Majeſtie, informe the Preſbitries of the eſtate of things, as they proceid, ſo farre as it is neidful for the weill of the cauſe; and that this advyce be extractit and ſent with diligence to every Preſbitrie in authentique forme.

The nixt Aſſemblie is appointit to be baldin at Aberdein, the laſt Tueſday of Julij 1604.

Thanks beeand givin to God be the Moderatour, for the confortable ſucceſſe of this preſent Aſſemblie, the brethren were diſmiſſed.

A.D. M.DC.IV.

[At Aberdeen the laſt day of July the year of God 1604, within Sanct Nicolas pariſh kirk of the Burgh of Aberdeen, at four hours after noon, or thereby, before theſe witneſſes, Mrs Peter Blackburne, James Roſs, Archibald Bleckburne, Miniſters at Aberdeen, John Rough, Miniſter at Nig, Mr Thomas Nicolſon, Commiſſar at Aberdeen, and George Nicolſon, burgeſs of the ſaid burgh.

The which day, in preſence of the witneſſes foreſaids and of us Connotars Publick under ſubſcribing, compeared perſonaly within the ſaid pariſh kirk Mrs James Melvill, William Areſkine, and William Murrey, Miniſters of the Evangel of Jeſus Chriſt, and preſented a Commiſſion given unto them be their brethren of the Preſbytrie of Sanct Andrews, wherby they are conſtitut Commiſſioners for them for keeping of the General Aſſembly at Aberdeen the month of July inſtant, as the ſaid Commiſſion, which was read in audience of us, and the ſaid witneſſes, in itſelf at more length bears; whereof the tenor followes.

At Sanct Andrews the 26 of July 1604 years, the which day, after in calling of the name of God, the Preſbytrie conſtituted and appointed their brethren, Mrs James Melvill, William Areſkine, and William Murrey, their Commiſſioners to the General Aſſembly appointed to be holden at Aberdeen this month, giving to them their full commiſſion and expreſs to paſs to Aberdeen; and there, for the ſaid Preſbytrie, and in their name, to reaſon, vote, and conclude in ſuch things as ſhall be handled in the ſaid Aſſembly, and to doe whatſomever other things belong to the well of the

Kirk; promiſing to ratifie and approve whatſomever their Commiſſioners ſall doe therinto, according to the Word of God. In witneſs whereof they have commanded their Clerk to ſubſcribe this preſent commiſſion, day, year, and place foreſaid.

Sic ſubſcribitur,
Mr Robert Rough, Clerk of the Preſbytrie,
at command of the ſame.

And therewith gave in, and preſented in writ their proteſtation ſubſequent, which ſicklyke was read in audience of us, and the ſaid witneſſes; and was ſubſcribed with their hands in our preſence, whereof lykways the tenor followeth.

For as much as albeit the Kirk of Scotland ever ſince the reformation of religion, and light of the Goſpel, rightly informed and inſtructed thereby, have thought it a moſt neceſſar duty aughtand to Chriſt, and his Kirk, to conveen in their General Aſſemblies yearly, for keeping of the puritie of doctrine, exerciſing of diſcipline, and governing of the whole eſtate thereof with uniform conſent and agreement, lyke as they have been in continual cuſtom, uſe, and poſſeſſion, to keep the ſame inviolable, as a chief and principal part of the office of the Miniſtrie commanded be the Lord Jeſus Chriſt; as alſo God has moved the heart of the King our Soveraign, with conſent of his Majeſties Eſtates in Parliament, be ſpecial act and law to ratifie and approve the ſame, granting liberty and freedom to the Miniſters of the Kirk to conveen in their General Aſſemblies once in the year at leaſt, and oftner pro re nata; and the Kings Majeſty, of his ſpecial care and affection to the Kirk of Jeſus Chriſt within his Hienes realme, gave his own preſence at divers General Aſſemblies, as at the laſt holden at Halyrudhouſe; where certain grieves being given in, and amongſt the reſt, that the General Aſſemblies were not ordinarly keeped, his Majeſtie with the ſaid Aſſembly ordained that to be ammended in tyme coming, appointing the act of Parliament made thereanent to be obſerved, inſerting the very words of the ſaid act of Parliament in the ordinance of the Aſſembly; and according thereto, at the ending of the ſame Aſſembly, appointed the next General Aſſembly to be holden at Aberdeen, the laſt Tueſday of July, in the preſent year 1604. Nevertheleſs that day being now come, and inſtant wee found no appearance of keeping of the ſaid appointed Aſſembly be the preſence of the laſt Moderator, nor convention and meeting together

of brethren, Commiſſioners directed from Provinces and Preſbytries, to the great diſpleaſure and grief of our hearts, namely, in ſo needfull a tyme, when meſſes are broken furth in divers parts of ſome of the chief burghs of the realme, Perth and Linlithgow; kirks and congregations lye pitifully unplanted; a careleſs coldneſs in all eſtates, namely of the Miniſtry itſelf, of the Goſpel and glory of the Lord Jeſus; and Atheiſm with all kind of vice overflowing the face of the land: Therefore wee Mrs James Melvill, William Murrey, and Areſkine, Miniſters, Commiſſioners appointed be the Preſbytrie of Sanct Andrews to this preſent General Aſſembly, having preciſely keeped the foreſaid day ſet for the ſaid Aſſembly, and attended in the Kirk of Aberdeen all the forenoon, without meeting of any Commiſſioners from other Preſbytries, ſince wee could doe no more, haue thought it our neceſſar duty, before God, and his Angels, and yow that are preſent, to take documents, and make proteſtation: Lyke as in the hands of yow Notars Publick wee take acts, inſtruments, and documents, that wee above nominat are here preſent, directed in commiſſion from our ſaid Preſbytrie of Sanct Andrewes, for keeping of the ſaid appointed General Aſſembly, on this day, and in this place, ſo that it deſert not ſo far as lyeth in us, but may hold and keep according to the Word of God, conſtitutions, and continual cuſtome of our Kirk, the laws of the realme, and appointment of the laſt General Aſſembly, wherein the Kings Majeſty was preſent. And wee proteſt before God, as ſaid is, that whatſoever ſkaith, damnage, or hurt the intereſt of the Kirk and Kingdom of Jeſus Chriſt within this realme, in the priviledges, liberties, and freedom, or otherwayes, in the general or particular eſtate thereof, ſhall happen to ſuſtain or incurre be the overſeeing, neglecting, and ſlipping of the ſaid appointed Aſſembly, it be not imputed to us nor our ſaid Preſbytrie of Sanct Andrewes: Proteſting alſo expreſſly, that the ſame, if any be, may be amended and redreſſed be remeed of the Word of God, laws of the realme, acts and conſtitutions of our Kirk, and old liberty and freedom thereof, at ſuch tyme and place as God ſhall think convenient. Thus proteſting, and procuring moſt inſtantly and ſolemnly for the well, priviledge, and liberty of the ſaid Kirk and Kingdom of Jeſus Chriſt, eſtabliſhed within this realme, moved and ſtirred up thereto for no other cauſe, as God the great Judge ſhall judge us, but that wee may doe and diſcharge a moſt neceſſar duty for the glory of Chriſt, ſafety of this Kirk, and the eaſe and relief of our conſciences, in

that great day of his glorious appearance to call us to account of our Miniſterie and diſpenſation. Sic ſubſcribitur,

Mr James Melville, Mr William Areſkin, Mr William Murrey.

Which Commiſſion and Proteſtation being read, and preſented, as ſaid is, Mrs James Melvill, William Areſkine, and William Murrey made their proteſtations conforme thereunto, and took documents and inſtruments thereupon, in the hands of us Connotars Publick under ſubſcribing, day, month, year, and place foreſaids, and before the witneſſes above mentioned, witneſſing theſe our ſubſcriptions manual.

Ita eſt, Magiſter Thomas Molleſonus, Scriba communis burgi de Aberdeen, Notarius Publicus, ac teſtis ad praemiſſa requiſitus et rogatus; Teſtante hac mea ſubſcriptione manuali.

Ita eſt, Gualterus Robertſone, Scriba ſubſtitutus burgi de Aberdeen, Connotarius Publicus in praemiſſis ſpecialiter requiſitus; Teſtantibus his meis ſigno et ſubſcriptione manualibus.

Ita eſt, David Marr, Connotarius, in praemiſſis rogatus et requiſitus; Teſtante hac mea ſubſcriptione manuali.

A.D. M.DC.V.

July 2.*

THE which day divers and fundrie brethren from divers and fundrie places and provinces in the land, instructed with sufficient commissions from their Presbytries, to reason, vote, and conclude in the General Assembly appointed be his Majesties Commissioner, and Commissioners of the General Assembly, with continuation, directed from Perth the 4 of July, the year of God 1604, subscribed be his Majesties Commissioner the Laird of Lauristoun, and Mr Patrick Galloway Moderator of the last General Assembly holden at Halyrudhous, and Richard Thomson Clerk to the Commissioners, to be and begin at Aberdeen the first Tuesday of July 1605 years, if be sooner advertisment it cannot, being lawfully assembled upon the said warrant and direction, according to the warrant of the Word of God, laws of the countrey, and continual custom of the Kirk of God therein. After in calling of the name of God be Mr David Rait in absence of the last Moderator, Mr Patrick Galloway, Mrs Robert Durie, John Monroe, John Forbefs being put on leit, Mr John Forbefs, with uniform consent of the

* The great Commissioner Laurestoun with the Commissioners of the General Assembly had written to all the Presbytries, for keeping of a General Assembly at Aberdeen the second of July. The missives directed to the Presbytries, subscribed be Richard Thomson Clerk to the Commissioners of the General Assembly, differed in the day; in the missives directed to the North, was appointed the second day of July; in the missives directed to the South the 5th day: . . . Therfore some came the 2d day, and some the fyft day.

whole brethren, was chofen Moderator; his Majefties Commiffioner, the Laird of Laureftoun, having firft nominated the faid Mr Forbefs to be mouth of the reft. And Mr John Sharp, in abfence of Mr Thomas Nicolfon, with confent of the whole brethren, was nominat and chofen Clerk.

The fame day his Majefties Commiffioner, having firft be word declared the decree of his Majefties Secret Counfell touching the faid meeting, did give in a letter directed for the Lords of his Majefties Secret Counfell, to the brethren of the faid Miniftry conveened at the faid Affembly: The tenor and contents whereof follows.

Truftie friends, After our heartie falutations, hearing that ye have appointed an Affembly to be holden and keeped there at Aberdeen in the month of July next to come, whereby the Kings Majeftie may take fome occafion of offence againft yow; feeing neither has his Majeftie been made privie to your refolution, nor yet has his Hienes confent and allowance bein fought and obtained to that effect, according to the law and cuftome enviolablie obferved the many years by gane, wee have thereupon thought meet hereby to advertife you to confider this matter as appertaineth, and wifely to forfee what prejudice fuch rafh and unadvifed proceedings may draw upon your eftate: For wee are perfuaded, if ye proceed to the holding of this Affembly without his Majefties approbation and allowance, that his Hienes will very hardly digeft that matter, and will account the fame as a contempt touching his Majeftie in a high degree: And therefor it is our will and pleafure, and wee think it meet, and expedient for your oun well, and the peace of the Kirk, and for intertaining aud cherifhing that chriftian harmony which fhould be betwixt his Majeftie and yow; that ye diffolve yourfelves, repair every one to his own houfe and calling, and fuffer this meeting to defert. And before ye appoint any new meeting, or Affembly, that ye acquaint his Majeftie therewith; whereby, as ye fhall teftifie your obedience and conformity to his Majefties will and his lawes, fo we doubt not but his Majeftie, upon your oun fuit and fupplication, will in reafon give you contentment and fatiffaction herein. Wee have at greater length communicated our minds in this matter to the Laird of Laureftoun, one of his Majefties Privie Counfell, who will at length impart the fame to you. And fo wee commit you to God.

From Edinburgh the 20 of June 1605. Sic fubfcribitur,

Your good friends, Montrofe Commiffioner, Alexander Cancellarius, Blantyre Secretar, Preftoun, Cockburne.

Which letters, and defire therein contained, with the fuit and defire of his Majeflies Commiffioner agreeing thereto, being rypely confidered be the faid Affembly, and having weighed the weightinefs of the affaires neceffary to be intreated, and rarenefs of their own number, divers of the Commiffioners being ftayed be the tempeft of weather, and willing them, as at all tymes, to witnefs their willingnefs to fatiffie his Majeftie, and Lords of the Secret Counfell, in all their reafonable defires, fo far forth as might ftand with the Word of God, and teftimonie of a good confcience, thought meet and expedient to continue the treating of the affairs pertaining to the faid Affembly to the laft Tuefday of September following, and to diffolve for the prefent according to the defire and fuit of the letter forefaid: And ordaines intimation and warning to be made to all the Prefbytries within the land, to choofe their Commiffioners, and to fend them authorized with power to the faid Affembly to be holden at Aberdeen the laft Tuefday of September next to come anno 1605.

After the which ordinance his Majefties Commiffioner made proteftation, that from the beginning he did not acknowledge the prefent meeting for a lawfull Affembly, in refpect of the abfence of the laft Moderator, and Clerk ordinar.

The Moderator in name of the brethren protefted again, that the faid meeting was and behoved to be a lawful Affembly, in refpect of the warrant of their meeting the faid day before fpecified, the direction of the Word of God, the lawes of the land, and continual cuftome of the Kirk.

Which being done, the faid Commiffioner caufed charge the brethren there affembled, to fuffer the faid Affemblie to defert under the paine of horning be John Wifhart, Meffenger, who delivered a fubfcribed copie of the faid charge to the Moderator in name of the whole: The tenor whereof followes.

James be the grace of God, &c. For as much as albeit wee have fignified our will and pleafure, that we cannot be refolved anent the General Affembly before the approaching Parliament, and the Parliament being ended, that wee will have occafion to direct the moft expedient in that matter for the well of the Kirk: Neverthelefs wee and the Lords of our Secret Counfell are informed, that, in this mean tyme, there is a General Convention and Affembly of the Miniftrie appointed to be holden at our burgh of Aberdeen in the month of July next to come; whereat a number of the Miniftrie in this our realme intends to be prefent, wee being no wayes

acquainted, nor made foreſeen thereof, nor yet our conſent and allowance being had, and obtained to that effect, according to the laws, acts, and conſtitutions made thereanent, and to the cuſtome obſerved herein, theſe many years bygane, whereby our directions and commandements in this matter will be violated highlie, to the offence and contempt of us, our authority, and lawes: Our will is hereſor, and wee charge yow ſtraitly, and command, that, incontinent theſe our letters ſeen, ye paſs, and in our name and authority command and charge the whole Miniſtrie, who ſhall happen to conveen to the ſaid Aſſemblie, perſonally, if they can be apprehended; and failing thereof, be open proclamation at the mercat croſs of Aberdeen, that they ſuffer the ſaid Aſſembly to deſert, repaire every one to his own dwelling and charge; and that they in no wiſe preſume, nor take upon hand, to conveen and aſſemble themſelves together in any place, for keeping of the ſaid Aſſembly, under the pain of rebellion, and putting of them to the norne. With certification to them, and they failzie, they ſalbe denunced rebells, and put to the horn. As alſo that ye command and charge the Proveſt and Bailies of our ſaid burgh of Aberdeen, that they ſuffer no ſuch Aſſembly, convention, or meeting of the Miniſtrie to be keeped within their toun, as the ſaid Provoſt and Bailiffes will anſwer to us, and our Secret Counſell, upon their dutifull diſcharge of their office. The which to do, &c.

Which being read and conſidered, the ſaid Moderator, at the command of the brethren, took document, and note, in the hand of the ſaid John Wiſhart being a Notar Publick, that they were ready inſtantly to obey the tenor of the ſaid charge. The ſaid John refuſing the benefit of his office in that part, the Moderator, with the reſt of the brethren, after in calling of the name of God, diſſolved, and departed out of the Kirk, for obedience to his Majeſties charge: And the ſaid Moderator with the remnant brethren paſt immediately to the Common Clerks chamber of the ſaid burgh, and there took documents in the hands of James Molleſon Common Clerk: The tenor whereof followeth.

At Aberdeen the ſecond day of July, the year of God 1605, in the Common Clerks writing chamber of the burgh of Aberdeen, at half hour to five in the after noon, or thereby, in preſence of us Connotars, and witneſſes underwritten, compeared perſonaly the Commiſſioners of the Miniſtrie of this realme, after following; They are to ſay, Mr Robert Durie, Miniſter at Anſtruther, Mr Andrew Duncan, Miniſter at Carraill, Mr John Sharp,

Minifter at Kilmenie, Mr Alexander Strauchan, Minifter at Creich, Mr John Forbefs, Minifter at Afurde, Mr William Forbefs, Minifter at Kinbethock, Mr James Irving, Minifter at Tuiche, Mr Robert Young, fome time Minifter at Clatt, Mr Robert Reid, Minifter at Bancherie Trinitie, Mr Charles Farholme, Minifter at Frazerburgh, Mr William Davidfon, Minifter at Rathen, Mr David Robertfon, Minifter at Rugley, Mr John Monro, Minifter at Tane, Mr Archibald Bleckburne, Minifter at Aberdeen, Mr James Rofs, Minifter there, and John Rough, Minifter at Nige; and alledged, that they being conveened in the Seffion houfe of the Kirk of this burgh of Aberdeen this day, as at the appointed day and place, for holding the General Affembly of the Miniftrie of this realme, they were charged be John Wifhart Meffenger, be vertue of his Majefties letters, given be act of his Hienes Secret Counfell, of the date at Edinburgh the 20 day of June laft bypaft, within the fpace of a quarter of an hour fince, that they fhould fuffer their Affembly to defert, repair every one of them to their own dwelling and charge; and that they are no wayes to prefume, nor take upon hand to conveen, nor affemble themfelves in any place, for keeping of the faid Affembly, under the pain of horning; as the copie of the faid letters, which they fhew to us Connotars, and witneffes underwritten, fubfcribed, as appeared, be the faid John Wifhart Meffenger, proports; and that for obedience to the command and charge of the faid letters, they inftantly, after the giving of the faid charge, diffolved, without any farther action, and came immediatly furth of the faid Seffion houfe and Kirk, to the faid Common Clerks chamber, at the weft end of the Tolbuith of the faid burgh, as to the moft publick place, to take notes, and inftruments of their obedience to the command and charge of the faid letters, and diffolving of the faid Affembly in the hands of us Connotars under fubfcribing. And hereupon they craved and took inftruments, day, month, and year forefaids, before thefe witneffes, Alexander Forbefs of Fingafk, David Ronaldfon, John Tullidaf, Mathew Donaldfon, John Kemp baker, Alexander Thomfon fkinner, burgeffes of Aberdeen, Mr George Spence fervitour to the faid Mr John Forbefs, and Thomas Forbefs fon to Thomas Forbeffe elder, burgefs of Aberdeen. Sic fubfcribitur,

Ita eft, Magifter Thomas Mollefonus, Scriba Communis de Aberdeen.

Ita eft, Walterus Robertfonus, Scriba Subftitutus burgi de Aberdeen.

Mr John Sharp, Clerk to the Affembly.

Proclamation by the King in Council.

James &c. For as much as wee, be a ſpecial article ſignified with our own hand, and ſent home with the Laird of Laureſtoun our Commiſſioner, ſignified our will and pleaſure, that wee for many cauſes could not be reſolved anent the tyme of the General Aſſembly, before the approaching Parliament; and that in virtue of the ſaid warrant, the Commiſſioners of the General Aſſembly, according to our pleaſure, acquainted the Preſbytries of our realme, with our commandement in that matter; and willed and deſired them to forbear all conveening, meeting, or keeping of the ſaid Aſſembly; nevertheleſs a very few number of the Miniſtrie, led with the ſpirit of diſſobedience, and contempt of all lawfull authority, moſt unlawfully and contemptuouſly convened themſelves within our burgh of Aberdeen, upon the ſecond day of July laſt; And miſregarding the former diſcharge given to their Preſbytries, the letters of horning executed againſt themſelves, with our Counſels miſſive letter delivered to them be our ſaid Commiſſioner, they proceeded to the holding of an Aſſembly in ſuch forme, as neither the abſence of the beſt of the Miniſtrie, who would attempt nothing might be offenſive to us, or prejudicial to the authority of a lawfull and ſolemne meeting of ane Aſſembly, nor the diſſenting of our Commiſſioner, that any thing ſhould be done therein, could make them diſſolve, while firſt they had made election of their Moderator, and appointed a new day to their next Aſſembly; and they knowing that their inordinat meeting, which was aſſiſted with ſo few of the Miniſtrie, and that of the moſt ignorant and leaſt accounted, could not have the ground and warrant of a lawfull Aſſembly; and that there could not be any law, practick, or cuſtom of any other reformed Kirk in Europ, to juſtifie and approve their doings: Lyke as the whole Commiſſioners of the General Aſſembly having aſſembled themſelves thereafter, and after due conſideration of their fooliſh proceeding, having found the ſame to be no lawfull Aſſembly, and all utterly diſallowed the ſame, the ſaid Miniſters thereof, in further contempt and diſdain of us, our Counſel, and Commiſſioners, have continually ſenſyne buſſied themſelves in ſoliciting and procuring the approbation, conſent, and allowance of the whole Preſbytries of our realme, to their inſolent and unlawfull proceedings, minding thereby to make their privat and factious proceedings to be a common cauſe of the Kirk, and by ſoli-

citing ſuch unlawful approbation of the Preſbytries to pervert the whole order of our General Aſſemblies: wherein not only the perſonal preſence of the whole, or moſt part of the Commiſſioners of the Preſbytries of our realme, is alwiſe neceſſary; and without the which there cannot be an Aſſembly, but our own conſent, or conſent of our Commiſſioner being preſent, which is altogether requiſit: and ſo as they began with contempt of us, and break of our lawes, even ſo their unlawfull courſe and progreſs of their proceedings tend to nothing, but to heap contempt upon contempt, and will produce farther inconveniences, without remeed be provided. Our will is herefore, and wee charge yow ſtraitly and command, that incontinent thir our letters ſeen, ye paſs, and in our name and authority command and charge and inhibit all and ſundrie Synods, Preſbytries, and Seſſions of kirks, and Miniſters within our realme, be open proclamation, at the Mercat Croſſes of the head burrowes of our realme, and other places needfull, that none of them preſume nor take upon hand privatly nor publickly in their Seſſions, or meetings, nor in Conference, ſermons, nor no other manner of way, to authorize, approve, juſtifie, or allow the ſaid unlawfull meeting, and Aſſemblyat Aberdeen; neither yet to make any act thereupon, nor doe any other thing, in privat or publick, which may ſeem to countenance the ſaid unlawfull Aſſemblie, under the pain to be reputed, holden, eſteemed, and purſued as guilty of this unlawfull meeting, and to be puniſhed therefor with all rigour. And ſiclyke, that ye command and charge all and ſundrie Lords, and Barons, and gentlemen, Magiſtrats, and all other our lieges, who ſhall happen to be preſent, and hear any Miniſters in publick or in privat conferences, and ſpeeches, or in their ſermons, to approve and allow the ſaid unlawfull Aſſembly, raile and utter any ſpeeches againſt our royal commandements, or proceedings of our Counſel, for puniſhing and ſuppreſſing ſo hainous enormities, that they make relation and report thereof to our Counſel, and furniſh probation; to the effect the ſame may be condignly puniſhed, as they will anſwer to our Counſell thereupon: certifying them who ſhall hear and conceal the ſaid ſpeeches, they ſhall be eſteemed allowers of the ſame, and ſall be tane order with, and puniſhed therefore without favour. The which to doe, &c.

Given at Edinburgh the eight day of Auguſt 1605.

. . . . . .

Copie of the Kings Miſſive ſent to the Preſbitrie of Dumfermline.

Truſtie and weel beloved, we greet you heartily well. Our knowledge of the jealouſies and diſtractions of the late time, ariſeing without anie neceſſar or eſſential cauſe in the Kirk of Scotland, the progreſs whereof might tend to open diſſenſion among the Paſtors, to their own trouble, the evil example of our people, and our miſcontentment, having moved us to ſend for a number of the Miniſtrie, whom we underſtand to be of knowledge and good experience, that by their information the cauſe of theſe greeves might be truelie known, and the beſt means deviſed for removing ſuch unneceſſarie conventions, and reducing their proceedings to a ſettled good order for their own quietneſs and our obedience, we have not received that ſatiſfaction of them which we expected, their anſwers tending more to ignorance of theſe diſtractions and grudges, (which to our grief are verie manifeſt to the world,) nor to anie advice of the remedies therof; and becauſe we could not be blameleſs of undutifull negligence, if we ſhould leave any good means unaſſayed, which might bring readieſt remeed unto bypaſt diſorders, and beſt aſſurance for good order in the Kirk and obedience to our authoritie in time comeing: Therefore we have thought it neceſſarie to appoint ſome Noblemen and others of our Counſell to conveene with a good number of godlie, wiſe and learned Miniſters of the Preſbitries of that our Kingdom, at Linlithgow the 10 day of December next to come, to adviſe and reſolve upon the remeeds of bypaſt diſtractions, preventing of imminent dangers be the daylie increaſe of the number of Papiſts travelling in all corners of that Kingdom, to diſturb the peace of the Kirk and countrie, and to ſubvert our royal eſtate, and for ſettling of good order and quietneſs in the Kirk, and obedience to our authoritie: For which purpoſe our will is, that ye direct Mr John Fairfull, Miniſter of Dumfermline, Mr Andrew Forreſter, Miniſter there, and Mr James Stewart, Miniſter at Sauling, of your Preſbitrie, to be preſent with ſuch of our Nobilitie and Counſell as we have commanded to meet them the ſaid day and place, that be them they may know our godlie and juſt deſires, and that ſuch as ye ſend may give their information, advice, concurrence and judgement for the furtherance of good order, peace, and obedience in the Kirk and countrie to our authoritie, preventing of Papiſts courſes, delating of the names of the authors therof, and ſuch as receipt Jeſuits, Prieſts, and trafiquing

Papiſts, or other excommunicated perſons; as alſo ſuch as reſort not to the Kirk and communion according to our laws and acts of Parliament made thereanent; and in all other matters of the like nature, tending to the peace of the Kirk and our obedience, whereanent our conſtant affection to the advancement of all ſuch godlie purpoſes will be more largelie ſignified unto them att the ſaid meeting, be ſuch of our Nobilitie and Counſell as have our expreſs direction in theſe matters. So reſting aſſured of your conformitie and dutifull obedience in the performance of this our command tending to ſo godlie and neceſſary ends, we bid you heartilie fairweel.

Att Newmarket the 20th of October 1606.

To our truſtie and well beloved the Miniſters of the Preſbitrie of Dumfermline.

A. D. M.DC.VI.

In the Aſſemblie of the Kirk of Scotland conveinit be his Majeſtie and haldin at Linlithgow, Anno 1606,

Seſſio 1a. 10 Decembris,

Were preſent the Noblemen following:

Montroſe.	Lothian.	Cullroſs.	Clerk Regiſter.
Glencarne.	Mr of Montroſe.	Halyrudhouſe.	Bruntiland.
Linlithgow.	Mr of Lothian L. Newbottle.	Juſtice Clerk.	Kilſyth.
Orkney.	Lindſay.	Privie Seal.	
Dumbar.	Wchiltrie.	Advocat.	
Wigtown.	Skoone.	Collector.	
Kinghorne.	Blantyre.		
Abercorne.			

Barons.

Kinnaird.	Sir John Hamilton.	Montroſe.	Blantyre.
Torrie.	Balmaine.	Lindſay.	Kilſyth.
Balcolmnie.	Waughton.	Collector.	
Innerweek.	Balvaird.		

The Miniſters out of the Preſbitries were about the number of 130, out of the moſt 3, out of ſome 5, ſome 6.

Mr Patrick Galloway, as Moderatour of the laſt Aſſembly, was deſired to have preached on the morne. He refuſed, alledging he knew nothing of that meeting, and was not provided. It was anſuered, that the meeting ſhould be prorogued to the 22 of that inſtant, and ſo he ſhould have time to be provided; but he continued conſtant in his refuſal. In end he was dealt with to make a prayer as his Majeſties Miniſter, and not as Moderatour att the meeting, wherunto he yeilded. So the Biſhop of Orkney, Mr James Law, made the ſermon upon theſe words, Pray for the peace of Jeruſalem. Therafter Mr Patrick addreſſed himſelf to the Moderatours place, prayed, and made a diſcourſe upon Math. 18, 20. He opened the cauſes why his Majeſtie appointed the meeting, namelie, to take order with Papiſts; to adviſe what way Miniſters might be better provided with conſtant ſtipends; and how jarres among the Paſtors might be removed.

The Erle of Montroſe principal in the Commiſſion followed with a ſhort harangue, which was explained by Mr Patrick, becauſe his voice was weak. The ſum wherof was, that we had all cauſe to praiſe God for the care that his Majeſtie had for the peace of this Kirk and maintainance of the freedom therof; and ended with ane exhortation to the brethren conveened, to judge charitablie of his Majeſties proceeding, and to give to his Hienes ſatiſfaction in the matters to be proponed.

Mr John Preſtown ſeconded him with a large diſcourſe of the pains and travells which his Majeſtie had taen in the affairs of the Kirk, the manie good laws made by his Majeſtie for maintainance of religion, the great care his Majeſtie had to have all the Kirks of Scotland planted, and how in all the expeditions made in the South and North againſt his Hienes rebells, his Majeſtie employing ever ſome time in the affairs of the Kirk: And ſo ended with exhortation to give his Hienes ſatiſfaction.

The Clerk of Regiſter followed, affirming that ſeeing his Majeſtie was a Chryſtian and religious Prince, and ſo well grounded in his religion to the admiration of the whole world, that he ought to be obeyed in all his directions, alledging Paul in his Epiſtle to Timothy, exhorting, for the peace of the Kirk, to pray for all Princes, eſpecialie for the tyrant Nero, under whom they then ſuffered perſecution. He remembred ſome ſpeeches uttered by ſome of the Princes of Germanie, namelie the Duke of Saxony, extolling his Majeſties conſtancie in his religion; and ſo inferred, that ſeeing ſtrangers had ſo reverent regard of his Majeſtie, his own ſubjects ſhould not be lead with a ſiniſtrous conceit.

After this, Mr Patrick Galloway ſaid it was needfull that there ſould be a Moderator choſen, and produced 4 in leit, viz. Mr Patrick Sharp, Mr Robert Howie, Mr Alexander Lindſay, Mr James Nicolſone; and the ſaid Mr James was choſen Moderator.

When he entered into his place, he aſſumed Mr Henry Philip, Miniſter of Arbroth, to be Scribe without the oath of fidelitie. Therafter a number were nominated for the privie conference, which was appointed to be that afternoon; and ſo the Aſſembly diſſolved for that day.

Seſſio 2a. 11 Decembris.

The Aſſembly mett at eleven hours, and after prayer the Moderator examined the whole Biſhops and Commiſſioners of Preſbitries upon their diligence in ſeeking the execution of his Majeſties laws againſt the Jeſuits and excommunicated Papiſts, of whom there were ſome given in be everie Preſbitrie in writte. There was no diligence reported but excuſe; and the chief excuſe was upon the overſight granted to the Marqueſs of Huntlie and his Ladie. After a ſharp rebook given unto the Biſhops and the Commiſſioners for their negligence, and overſight in that point, the Aſſemblie diſſolved for that night, and the Conference appointed to meet the morne att 8 hours.

There were handled theſe points; 1. Anent the ſuppreſſing or reforming of Papiſts; 2. Anent the planting of all the kirks in this land; 3. Anent the remeed of the eyeliſts and diſtractions that were among ourſelves in the Miniſtrie here.

1. For the ſuppreſſing and reforming of Papiſts.

The Papiſts were ranked thus. Some were Jeſuits, Prieſts, ſayers and hearers of Meſſe; and the whole number of Miniſters were poſed in conſcience to delate their names. Manie ample promiſes were made and concluſions taken for proſecuting the laws with all rigour againſt them; yea his Majeſties guarde here was then to be directed to take and apprehend them.

Some were recuſants or not communicants, who were ordeaned to be

proceſſed be the Kirk with all expedition, and their names alſo to be givin in with the roll to the Counſell, who promiſed to exact the penaltie in the law preſcribed againſt them, who att leaſt communicat not once everie year, and no exceptions of perſons to be; and this to be the civill puniſhment without prejudice of our cenſures; and promiſe made that no letters ſhall be directed from Counſell, as was wont, to ſtay our diſcipline againſt anie perſoun whatſoever.

Some were Noblemen contrarie minded and not as yett reſolved, albeit they have ſubſcribed, ſworne, and communicated ſome time with us. Theſe were ordained with all diligence to addreſs themſelves to ſeveral burghes to hear the Word, confer, &c. for their better reſolution; and yett to be proceſſed, except they wait well on and profited &c.

The Noblemen ſuſpected of Papiſtrie are ordained to be confined in the towns following, viz. the Erle of Sutherland, his wife, and mother, in Innerneſs; the Erle of Cathneſs and his Lady in Elgine; the Marquiſs of Huntlie, his wife and bairns, in Aberdeen; the Erle of Angus, his wife and bairns, in Glaſgow; the Erle of Hume and Lord Hereis in Edinburgh; the Lord Maxwel in Lyth; the Lord Semple in Iruing.

And that theſe things might take effect according to the mind of that meeting, theſe two orders were deviſed. 1. That a letter of requeſt ſhould be formed and ſent to his Majeſtie, for cauſing the foreſaid Noblemen reſort with diligence to their ſeveral appointed cities. 2. That ſome brother be appointed ane Agent in everie Preſbitrie, to informe the Counſell of all Papiſts, Jeſuits, or Excommunicants within their bounds, to raiſe Letters, to keep the Counſells dyets, and to ſee the Counſells decreits put in execution, who ſhould be a conſtant Moderator to be anſwerable for his diligence in theſe points; and for his ſervice he ſhall have in penſion of his Majeſties patrimonie ane hundred Scottiſh pounds, if he be not a Biſhop in that Preſbytrie: Otherwiſe, where the Biſhop is, he ſhall have the burthen and receive no gain therefor.

The Acts of the General Aſſemblie anent the inſtructing of Noblemens ſons at home, who paſſing out of the countrie returne Papiſts, are promiſed to paſs be ſtatute in the next Parliament.

2. For planting of Kirks.

1. The Lords Modifiers choſen and appointed att Parliament promiſſed

to ſitt down att Edinburgh the firſt of January, for modification of ſtipends to the Abbey Kirks of this new erection; the ſame to be done in Biſhops Kirks, and that be reaſon the act of annexation was diſſolved in their favours in this laſt Parliament.

2. The benefices of cure, wherof Noblemen have a good part of the rent of, the Moderators, Biſhops, Commiſſioners, are appointed to deale with our Lords of the College of Juſtice, for obteaning decreitts att leaſt for ſufficient proviſion.

3. Where they are ſmall benefices and ſett in tacks, to deal with the tackſmen for obteaning augmentation, and that be offering unto them new tacks, the greſſome or entriſſe ſilver wherof ſhall acreſs to the ſtipend in all tyme comeing, and not be employed to anie mans privat uſe; and who refuſeth augmentation, or this condition, their names to be ſent to his Majeſtie, who ſhall take farther order with them, or ellis their tacks to be ſett to others.

4. Where kirks are near adjacent, and aither mean in number or proviſion, then the Parliament ſhall unite two in one, and provide for them.

3. For takeing up the eyeleiſts among the brethren, the cauſes therof were tryed to be theſe.

1. The warding of the brethren now baniſhed and ſcattered, wherof the remeed was thought to be this, viz. a letter of ſupplication was appointed to be written to his Majeſtie, and a writte of information to be formed be ſome of that number who were beſt acquainted with his Majeſties mind and pleaſure, to be ſent to the brethren to acknowledge their overſight.

2. The want of a General Aſſembly, which, with advice of his Majeſties Commiſſioner at that meeting, was appointed to be holden at Edinburgh on the laſt Tueſday of July nixt.

3. A heavie ſuſpicion and fear in all good mens hearts, that inbringing of Biſhops in our kirk ſhould ſpoil us of our diſcipline, &c.

For remeed wherof, the Biſhops proteſted there was no ſuch thing in their mindes, and willinglie ſubmitted themſelves in all time comeing to the judgement of the General Aſſemblie; and that his Majeſties minde and pleaſure was never otherwiſe, but that the moſt wiſe and grave men might be Moderators of the Preſbitries ad culpam, who ſhould be ſubject to the judgement of the Provincial Aſſemblies, without any farther pouer

than they had before, except that his Majeſtie would have them members of his Parliament for the Kirk. Some objected their non reſidence within their Diocie, and not preaching there where their benefice lay. They anſwered, their benefices were ſpilt and wanted preſent proviſion; and therefore required a time to ſeek the benefite of the law.

That meeting ordeaned, that betuixt that time and July nixt, they ſhould either make reſidence, or demitt their place to others who ſhould do the ſame.

Then came in his Majeſties deſire, that untill the time that Papiſts were repreſſed, and jarres removed out of the Kirk, a conſtant Moderatour might be appointed for everie Preſbitrie, becauſe in the changing of the Moderator the diligence of executing the proceſs failed, becauſe the new Moderator was unacquainted with the former proceedings. It was anſwered in the privie conference, that all the preſbitries and everie brother thereof ſhould know the eſtate and proceedings of matters, and ſo might be able to put matters in execution, and much more the fitteſt to be choſen to the purpoſe, according to the nature and eſtate of the affaires in hand.

Mr Patrick Galloway proponed 3 difficulties. 1. The prejudging of the Preſbitries in their free election, who did beſt know the qualities of their members. 2. The tyrranizing of ſuch a Moderatour over his brethren, and uſurpation of juriſdiction and authoritie over them. 3. The prejudice of the General Aſſembly in the free nomination of Commiſſioners for everie Preſbitrie, ſeeing by all appearance there was no other thing meant but to make a General Aſſembly conſiſt of Biſhops and Moderatours of Preſbitries.

For removing of theſe difficulties, it was provided, that the Moderator ſhould be anſwerable to the Synod for all his overſights and offences, and removeable be them after a lawfull tryall; and the worthieſt of the Preſbitrie preferred to his place.

That everie Preſbitrie ſhould have free election of two or three Commiſſioners to everie Aſſembly; and that it ſhould be in their option to make choiſe of the Moderator or not; alwiſe all the Moderators are appointed to be preſent at everie Aſſembly.

Theſe cautions being ſett down, and the articles fullie aggried upon in the privie conference, it paſt in open Aſſemblie, and agreed upon, that he who before was named the Agent, ſhould be this conſtant Moderator. Two were non liquet; 4 refuſed to vote as wanting commiſſion; 125 Miniſters agreed.

Laſt, There was an admonition and exhortation given to all the brethren, to entertean alwiſe charity and love among themſelves, and to bewar to ſpeak any thing unadviſedly againſt his Majeſty.

The great Commiſſioner the Erle of Dunbar thanked the Convention in his Majeſties name, deſired the whole brethren to thank him, ſeeing they had found all things to their contentment, and pray for him; and to make it knoun to their brethren and people, ſo ſoon as they came home, what good was done att that Convention.

The Erles of Caſſils and Eglintown thinking all things well done, deſired a copie of all things concluded before their departure. It was alledged that could not inſtantlie be done. They promiſed with all diligence to go to Edinburgh and there cauſe putt in print all things concluded att that meeting, that all men might know them. C.]

Seſſio 3a. 12 Decembris.

In lyke maner the Conference finding that nothing mair weakened the credit and ſtrenth of the Miniſterie and diſcipline of the Kirk againſt Papiſts, nor mair emboldned the adverſares to goe fordward in their erronious courſe, than the appearances of diviſion in the Miniſtrie amang themſelves, and the alienation quhilk ſeemeth to be of his Majeſties mynd from ſome of them: Therefor, the removeing of all eyelyſts and ſhew of diviſion and alienation of mynds, either amang the Miniſters themſelves, or of his Majeſties good affection and favour from any of them, was thocht ane ſoveraigne remedie for the effectual ſuppreſſing of Papiſtrie. And having ſearched and found out the cauſe of the diſtraction and alienation of mynds forſaids in the Miniſtrie, to be partlie a feare that ſome of their brether was of purpoſe and vpon courſe to ſubvert the libertie and diſcipline of the Kirk of Scotland, by removing their Seſſiouns, Preſbytries, Provinciall and Generall Aſſemblies, or by vſurping in thair awin perſons ſome ſick tyrranous and vnlawfull juriſdiction as is no wayes lawfull, neither to be tolerated in a truelie Chriſtian reformed Kirk, and to ſhake off that obedience to all good ordour and comelines, eſtabliſhed or to be eſtabliſhed by the laufull aſſemblies with his Majeſties conſent; and partlie a greiſe that ſome of the brether were baniſhed foorth of his Majeſties dominions, and vthers diſeaſed be long warding and relegation from their habitations and charges: And

finding lykewayes be the declaration of his Majeſties commiſſioners, and ſick as were privie to his Majeſties mynd, that his Hienes was no leſs grieved with divers formes and actions of ſome of the Miniſtrie, for not haveand due regard and care to vſe ſick courſe in their actions and adminiſtratioun in the Kirk affaires, as might ſerve to intertain a ſolid peace and quyetnes betweene his Majeſtie and them, as lykewayes mutuallie amang themſelves; and in ſpeciall, that the charge of that governement was oftentymes and almoſt ordinarlie committed to ſick as, for lake of wiſdome and experience, was no wayes able to keip their eſtate in any good frame or quyetnes, quhervnto his Majeſtie imputed the chiefeſt cauſe of all the greiſes and troubles quhilk had fallen out this lang tyme amangſt the Miniſtrie themſelves, or any offence given be any of them to his Majeſtie; and that his Majeſtie could not be ſatiſfied quhill this inconvenient were firſt removed, and a faithfull remedie provyded, that heiraſter the lyke ſould not fall out, quhilk his Majeſtie ſummarlie comprehended in this, if the affaires of the Kirk ſould be adminiſtrat be the wyſeſt and moſt godlie; wheranent alſo his Majeſties ſpeciall overture as heiraſter followes, was proponed.

It is his Majeſties advyſe to this Aſſemblie, and pleaſure, that preſentlie ther be nominat in everie Preſbyterie ane of the moſt godlie and moſt grave, of greateſt authoritie and experience, and meiteſt for governement, to haue the moderation of his Preſbyterie quhere he remaines, till the preſent ſturres and fyre of diſſention qwhilk is amangs the Miniſtrie, to the great prejudice of the authoritie and credit [of the ſame,] and the hinderance of the Goſpell, and his Majeſties high offence, be quenſhed and taken away; and the noblemen and others profeſſing Papiſtrie within this kingdome [be either reduced to the true profeſſion and obedience of the Goſpell, or ellis] ſo repreſt by juſtice and execution of lawes, or be the labours of the Miniſtrie and diſcipline of the Kirk, that they be not able to hinder the courſe of the Goſpell, or ſtrenthen and encourage the credit and power [of falſe religion, and that the chieſeſt burthen of delation of the ſaid Papiſts, and ſoliſtation for juſtice and execution] of laws againſt them be committed unto the ſaids Moderators, and that the Biſhops in the Preſbyteries quher they are reſident in ane of the kirks of the Biſhopric, have this care and burden committed vnto them; and ſeeing that it will crediblie fall out that in the Preſbytries, through the greatnes of parties and the langſumnes and difficultie of proceſſe, the ſaids Moderators will ſometymes be conſtrained to referre the doing heirof to the Provinciall Aſſemblie and the Moderators

therof: It is therfor his Majefties advyfe and pleafure that the moderation of the Provinciall Affemblie, and perfewing of actions of greateft difficultie be committed vnto the Bifhop makand lawfull refidence within the faid province, or to the worthieft of them quhen it fall happen moe than ane to be in ane province, in refpect that his Majeftie hes beftowed vpon them moyane and places, quherby they may be able to beare out the charges and burdein of difficile and dangerous actions quhilk other miniffers were not able to fuftane, and lykewayes, by their credit and place in counfell, are able in fick caufes, to procure greater celeritie and execution of juftice as in fick cafes will be requifite, than vthers.

The Conference having advyfed, firft, anent the taking away of the forfaids feirs and fufpitions, and fatiffaction of the griefes, and willing to vnderftand of his Majefties Commiffioners, and fick as latelie had been acquainted with his Majefties intentions, and willing lykewife to heare the declaration of the Bifhops heiranent as touching their awin intentions and purpofes in this errand: It was declareit, that it was not in any wayes his Majefties purpofe and intention to fubvert and overthrow the prefent difcipline of the Kirk of Scotland, but rather to augment and ftrenthen the famen fo farre as it could ferve for the well of the Gofpell and the reftraint of vyce, and to fie fick eyelifts and offences as in the adminiftration therof was the occafion of juft mifcontentment vnto his Majeftie, and a hinderance to the credit and authoritie of the miniftrie [among the people, and amongft the Miniftry] themfelves, removed and tane away be fick good overtures as is above expreffed.

In figne quherof, as ther is nothing done in derogation of the halding of the Seffions, the Prefbytries and Provinciall Affemblies, fo it was never his Majefties intention, but that the keiping of Generall Affemblies at certaine competent tymes was, and is a moft neceffarie mean for the prefervation of peace and vnion in the Kirk, and extermination of all herefie and fchifme in the fame: Therfor his Majeftie doeth graciouflie declare, that as the Acts of Parliament doeth ftill ftand in full force and effect for the conveining of Affemblies anes everie zeir by his Majefties direction, fo it is his Majefties will that the day of conveining the next Affembly falbe at Edinburgh the laft Tuefday of July.

Siclyke, the haill Bifhops declarit that it was not their intention to vfurpe and exerce any tyrannous and vnlawfull jurifdiction and power over the brethren, nor to ingyre themfelves any wayes vnlawfullie in the Kirks

government, or any part therof, farder nor ſall be committed to them be the Preſbytries, Provinciall or Generall Aſſemblies; and if it ſould happen to fall out that they, or any of them, ſould be found to doe the contrair, then, and in that caſe, they were content to ſubmitt themſelves vnto the cenſure of the Kirk als humblie as any other of the brether of the miniſtrie.

In lykemaner, it was declared that his Majeſtie, according to his accuſtomed longanimitie and patience towards ſick as happened to offend him of the miniſtrie, had delayed for a verie lang tyme to give foorth any ſentence againſt the brether now baniſhed, ſtill hopeing that by their good behaviour and humble ſute for his Hienes pardon and favour, his Majeſtie might have occaſion to ſhew his clemencie towards them; and albeit his Majeſtie beand juſtlie provocked, was moved to give forth his will anent their baniſhment, zet imediatlie, being requeiſted in their favours be the Biſhops and other brethren there preſent with them, it pleaſed his Majeſtie to declare, that their want of his favour proceidit upon their awin default, quho had never humbled themſelves to ſeek his pardon as became them.

In reſpect quherof it was thought meit to direct the Biſhop of Aberdeen, Mrs Patrick Sharp, Patrick Gallaway, Robert Wilkie, John Struchane, John Hall, John Hay, with the Moderator of the Aſſemblie, to write a letter to the ſaid brether in their name, [givand them advyce ſo to frame and ſend their humble] ſute to his Majeſtie for his pardon and favour to them as may give his Majeſtie greateſt ſatiſfaction, and that the Aſſemblie earneſtlie requeiſted his Majeſties Commiſſioners and vthers Noblemen employed be his Majeſtie to this Aſſemblie, ſo ſoone as their ſaid ſupplication ſould come from them of the tenor forſaid, to concurre be their credit and interceſſion with his Majeſtie, to procure them to be partakers of that gracious favour quhilk his Majeſtie at no tyme heirtofoir refuſed to any of that profeſſion quhom he fand willing to acknowledge and amend their overſight, and have recourſe to his clemencie; for the quhilk declaration the Conference praiſed God, and thoght good that the brethren ſould be written to as is befoir ſaid, and be the brethrin befoir named.

Thereafter, having conſidered the overture proponed to them in his Majeſties name, and finding it in ſhew, to carie ſome appeirance of novation in the diſcipline of the Kirk, and fearing that it might bring with it ſome inconvenients: Therfor the Conference wold not take on them to determine their advyce theranent, quhill firſt the mater were exactlie

reaſoned in their preſence, and ſufficient remeid provyded for preventing all inconvenients [which] might [be feared to] follow thereupon: Whereupon a good number of the moſt learned, godlie, and wiſeſt of the brethren of the Conference, being appointed to reaſon and heare ane after another; and having exactly and at good length reaſoned and examined quhatſumever inconvenients might follow upon the eſtabliſhing of the ſaid overture, it was conſidered and found at laſt be ane vniverſall voyce and conſent of the whole Conference, but contradiction, that the ſaid overture was both wiſe and godlie, and tending many wayes to the well of the Kirk: Provydeing that certaine cautions were obſerved for preventing ſuch evils as might happen to fall out in caſe the ſaid Moderators, or any of them, [ſhould] either arrogantlie preſume to vſurpe any farder power in the ſaids Preſbyteries and Aſſemblies than it is comelie and lawfull for Moderators in ſick cauſes to doe, and preſently uſe, without innovating and altering at their owne fantaſſies, and at their owne hands, the cuſtome that the diſcreit Moderators have vſed and aught to vſe in that place, or utherwayes be found remiſſe in proponeing or proſecuting any good purpoſe or overtures quhilk ſould be given in be the brethren or any of them to the ſaids Preſbyteries and Aſſemblies: and according to the doubts quhilk in reaſoning were found out and feared, the cautions following were aggried upon:

1. That it be provyded that the Moderators of Preſbytries and Provinciall Aſſemblies to be nominat and choſen according to his Majeſties overtures, ſall preſume to doe nothing in the Preſbytries and Provinciall Aſſemblies where they moderate, without the ſpeciall advyſe and conſent of thair brethren.

2. That the acts of the Generall Aſſemblies and caveats therein preſcrybed anent Biſhops be obſerved.

3. That they ſall vſe no juriſdiction or power farder than the Moderators of Preſbytries and Provinciall Aſſemblies has bein in uſe of, be the conſtitutions of the Kirk beſoir.

4. In caſe it ſall happen the Moderators of Preſbyteries or Provinciall Aſſemblies to be abſent the time of thair convention, then it ſall be in the power of the ſaids Provincialls and Preſbytries, to nominate and chooſe out the wiſeſt and graveſt of their brether, to moderate their meitings in abſence of the ſaids Moderators.

5. Quhen the place of the Moderator in any Preſbyterie ſall happen to vaike, the election of another to ſucceed in his rowme, ſall be made be the

whole Provinciall Affemblie, with confent of his Majefties Commiffioners, if any happen to be there prefent for the tyme.

6. And quhen any of the faids Moderators fall happen to depart this life betuixt Affemblies, it fall be lawfull to the Prefbyteries to nominat ane of the graveft and worthieft of their number to continue in the Moderation of the Prefbyterie quhill the nixt Provinciall Affemblie.

7. The Moderators of the Prefbyteries fall be fubiect to the tryall and cenfure of the Provincialls; and in cafe it fall happen that they be found to have been remiffe in the difcharge of their duetie, or [to have prefumed] to vfurpe over their brethren any farder power than is given them be the Affemblie, it fall be ane caufe to them of deprivation from their office of Moderation, and they fall be depryved therefra be the faids Provincialls.

8. In lykemaner, the Moderator of the Provinciall Affemblie fall be tryed and cenfured be the Generall Affemblie; and if he be found there, or to have been remiffe from his office of Moderation, or to have vfurped any farder power nor the fimple place of ane Moderator, he fall be depryved fra his faid office of Moderation be the Generall Affemblie.

9. That the Moderator of ilk Prefbyterie and Provinciall Affemblie, with their Scrybes, being chofen, faithfull, wife, and formall men, be aftrictit to be prefent at all Generall Affemblies as members therof, and to have the Regifter of the acts and proceiding of the Prefbytries and Provincialls there prefent with them, that their fidelitie and diligence may be fein be the Generall Affemblie, and the eftate of the countrey therby knawen.

10. That it fall be leifum to ilk Prefbyterie to fend Commiffioners to the Generall Affemblie, by and attour the Moderator and Scrybe, two or thrie, according to the act of the General Affemblie anent the Commiffioners from Prefbitries to General Affemblies, if they fall think it expedient.

11. That it is heirby declared, that notwithftanding of any thing done at this tyme, the Seffions, Prefbyteries, Provinciall and Generall Affemblies, are to be obferved, keiped, and obeyed as they have bein heirtofoir.

12. That the Moderator of the Generall Affemblie be chofen be vote of the faid Affemblie, certaine leits being firft nominat and proponed frielie, as vfe hes bein in tymes bypaft.

13. That in everie Provinciall Affemblie quher there is no Bifhop mak- and actuallie lawfull refidence, and haveand the Moderation of ane of the

Preſbyteries, the Moderators of the Preſbyteries within the ſaid Province beand proponed on leitt, the meiteſt of them ſall be choſen be the ſaid Aſſemblie Moderator thereof, his Majeſties Commiſſioners conſent there preſent beand had therto.

And farder, the Conference having examined the rolls of ilk Preſbyterie, to ſie if any was meiter to vſe the office of moderation than theſe quhilk befoir hes bein nominat to have the care of the delation of Papiſts and vncommunicants, they fand in their judgement, that the ſame perſons was of all vthers, in everie Preſbyterie, meiteſt alſweill to moderat as to haue care of delation forſaid; reſerveand alwayes vnto the Miniſters of ilk Preſbyterie here conveinit, their awne priviledge and power, to nominat vnto the Aſſemblie a meiter, if any be in the Preſbyterie, for the moderation: And therefore the ſaid Conference finds it expedient, that the perſons forſaids accept and take vpon them preſentlie the ſaid office of moderation within the Preſbyteries reſpectivé, and that the Preſbyteries embrace and allow of them; and for this effect, that the ſaids Moderators and Preſbyteries be requeiſted thervnto earneſtlie be this Aſſemblie, and if neid beis, lykewayis charged, that the Kirk of God be not long fruſtrat of the comfortable effects that the forſaid ordour is able ſhortlie, be the grace of God, to produce.

This overture beand proponed and declared at lenth in preſence of the full Aſſemblie, everie article and heid therof was with ane vniform confent and allowance approved of all, without contradiction, except only ſo farre as concerned the Moderators in moderating of Preſbyteries, and their continuance in the office of the Moderation begond the accuſtomed tyme, quheranent certaine doubts beand proponit and ſatiſfied, and the Biſhops haveand given their declaration foorth of their awne mouthes anent their intentions and purpoſe, to be ſubiect unto the acts and caveats of the Generall Aſſemblie, and to make reſidence within ſuch a ſpace as ſould be limitated to everie ane of them be this preſent Aſſemblie; and if it ſould be found expedient for the well of the Kirk, that other meiter and more worthie than they to poſſeſſe and occupie their places, to demitt their benefices at the pleaſure of the Aſſemblie; his Majeſties conſent [and approbatione] beand had thereto, wherein they promiſed, and if neid were, to be earneſt ſuiters at his Majeſties hands. Lykeas ſome of them declared, that they had alreadie moſt humblie craved the ſame of his Majeſtie for the reſpect they had to take away all offence from their brethren, provyding

alwayes if aither, vpon his Majeſties advyſe or propoſition to the Aſſemblie, or their awne ſupplication, the Generall Aſſemblie be moved heiraſter, to grant them any relaxation of any of the caveats, quhilk vpon good reaſon might appeare to the ſaid Aſſemblie to be over ſtrait, that this their promiſe ſall make no derogation to the libertie quhilk the Aſſemblie heiraſter ſall be moved to grant them.

It was voted, and be pluralitie of votes concluded, to witt, his Majeſties Commiſſioners, whole Nobilitie, Erles, and Barrons, to the number of threttie-three, together with ane hundreth twentie and ſaxe of the Miniſtrie votting affirmativé, that the ſaid overture anent the continuance of the Moderators quhill the preſent diviſion of the kirk be removed, and the whole brethren broght to that unitie of mynd and affection quhilk is agreeable to their calling, and may ſerve beſt to the furtherance of the cauſe of God, and overthrow of all contrarie cauſe, and the Papiſts als fullie repreſt or brocht to the obedience of the Goſpell, ſould paſſe and be enacted as ane of the concluſions of this Aſſemblie; the forſaids caveats beand alwayes keiped be everie ane of the ſaids Moderators, and the contraveiners cenſured and puniſhed as is befor expreſſed; foure only of the whole Aſſemblie be their votes diſaſſenting therfra, and vther foure refuſing to vote for want of commiſſion fra their preſbyteries, and twa beand non liquet.

Extract foorth of the Book of the Acts of the Aſſemblie at Lynlithgow, and ſubſcryvit be the Moderator and Scrybe thereof.

Sic Subſcribitur,
James Nicolſone, Moderator.
Maſter Hendrie Philp, Scrybe.

THE NAMES OF THE MODERATORS OF PRESBYTERIES.

ȝETLAND. Mr James Pitcairne.

ORKNAY. The Biſhop of Orknay, in his abſence Thomas Swintone, vpon his expenſes.

CAITHNES. The Biſhop of Caithnes, and in his abſence Mr Samuel Bruce, vpon the Biſhops expenſes.

TAINE. Mr Johne Ros.

ARDMANNATH. Mr George Monro, to be payed by the Bifhop of Ros quhill he be refident ther himfelfe.

INNERNES. Mr James Bifchop.

FORRES. Mr James Dundas.

ELGIN. The Bifhop of Murray.

DUMBENNAN. Mr Robert Hay, and failzeing of him Mr George Chalmers.

CULLEN. Mr George Douglas.

BAMFF. Mr George Hay.

DEIR. Mr Abraham Sibbald.

ELLONE. Mr John Reid.

GARIOCH. Mr Robert Burnett.

AUFURD. Mr Alexander Guthrie.

KINKARDIN ONEILL. Mr John Strauchane.

ABERDEIN. The Bifhop of Aberdein.

MERNES. Mr Andro Ramfay.

BRECHIN. Mr Dugall Campbell.

ABERBROTHOK. Mr Arthur Futhie.

DUNDIE. Mr John Ramfay.

MEGLE. Mr James Nicolſone.

PERTH. Mr Alex. Lindeſay.

DUNKELD. Mr William Glaſs.

COUPER. Mr William Scot, and till his return Mr Johne Caldcleuch.

SANCT ANDROIS. The Biſhop of Sanct Andrews, and in his abſence Mr Robert Wilkie, to be payit be the Biſhop.

KIRKADIE. Mr John Michelſone.

DUNFERMLING. Mr John Fairfull.

AUCHTERARDOUR. Mr John Davidſone.

STRIVILING. Mr Patrick Simſone.

LYNLITHGOW. Mr Robert Cornwall.

EDINBURGH. Mr John Hall.

DALKEITH. Mr George Ramſay.

HADDINGTOUN. Mr James Carmichaell.

DUNBAR. Mr Edward Hepburne.

CHIRNESYDE. Mr John Clappertoun.

DUNCE. Mr David Hoome.

MELROS. Mr John Knox.

KELSO. Mr James Knox.

JEDBURT. Mr John Abernethie.

TWIDAILL. Mr James Logane.

LANERICK. Mr William Birnie.

HAMILTOUN. Mr Robert Dalkeith.

GLASGOW. The Bifhop of Glafgow, and in his abfence Mr Patrick Sharp.

PAISLAY. Mr John Hay.

DUMBARTON. Mr John Blackburne, and quhill he make refidence, Mr William Stewart.

AIR. Mr John Inglis.

IRWING. Mr Alexander Scrimgeor.

DUMFRIES. Mr Thomas Ramfay.

KIRKUDBRIGHT. The Bifhop of Galloway, and in his abfence, Mr Robert Glandynning.

WIGTOUN. Mr James Adamfone.

ARGYLE. The Bifhop of Argyle.

ISLES. Mr Robert Steuart in abfence of the Bifhop, and on his expenfes.

Extract.

James Nicolfone, Moderator.
Mafter Hendrie Philp, Scrybe.

Followeth the tenour of Letters of Charge to Preſbytries to accept conſtant Moderatours.

James by the grace of God &c. For as much as at the General Aſſemblie of the Kirk keeped at our Burgh of Linlithgow, in the month of December laſt, and aſſiſted be a very frequent number of the Nobility, Counſel, and Barons of the Kingdome, it was thought very meet and expedient, and in end concluded, and aggreed with uniform conſent of the Aſſemblie, that for the well of the Kirk, and ſtaying of the grouth and number of Papiſts in this our Kingdome, there ſhould be a conſtant Moderator for a certain ſpace nominated in every Preſbytrie, who ſhould have the charge to inform the Lords of our Secret Counſell of all Papiſts and recuſants in their bounds, and to ſute the execution of our laws againſt them, as in that Act made thereupon at length is contained: Which being ſeen, and conſidered be us, we have not only allowed and approved the ſame, and interponed our authority thereto; but have recommended to our Counſell, that they have a ſpecial care and reguard to ſee the ſame receive due obedience and execution; likeas . . . . . was nominated and appointed Moderator of the Preſbytrie of . . . . . And albeit it was hoped that this godlie and neceſſar concluſion, importing ſo highly the well of the Kirk, ſhould have been with all thankfullneſs received and embraced be the Preſbytries of this our kingdome: nevertheleſs the Miniſters of the Preſbytries of . . . . . for what cauſe we know not, refuſe, at leaſt delay to receive the ſaid Moderator, and conforme themſelves to the ordinance and concluſion foreſaid, the continuance whereof will altogether make the ſame ineffectual, without remeed be provided. Our will is hereſor, and we charge you ſtraitly and command, that incontinent theſe our Letters ſeen, ye paſs, and in our name and authority command and charge . . . . . all Miniſters of the Preſbytrie of . . . . . and their Clerk of the ſaid Preſbytrie, to conform themſelves to the ordinance and concluſion of the ſaid Aſſemblie, and to receive their ſaid Moderator, and to acknowledge him in all things dew to the priviledge of that office, without excuſe or delay, within 24 hours next after they be charged be you thereto, under the pain of rebellion, and putting of them to our horn; and if they fail therein, the ſaid ſpace being bypaſt, that ye incontinent thereafter denounce the diſſobeyers our rebells, and put them to

our horn, and eſcheat and inbring all their movable goods to our uſe for their contemption. The which to doe we committ to you conjunctly and ſeverally our full power be theſe our Letters, delivering them be you dewly executed, and indorſed again to the bearer.

Givin under our Signet at Edinburgh the vi day of January, and of our reigne the 44 year 1607.

Per actum Secreti Conſilij. James Primroſe.

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Proclamation for proroguing the General Aſſembly indicted at Linlithgow to be holden at Halyrudhous the laſt Tueſday of Julie.

James be the grace of God, King of Great Britain, France, &c.: For as much as the increaſe of the adverſaries of the truth, and contrarie profeſſours, has proceeded of nothing ſo much as of the diſſention of the Miniſtrie of our kingdome of Scotland, ſome of them by natural inclination being enemys of quietneſs, and turbulent ſpirits, making choice rather to drink in mudie water, than to taſte of the clear fountain, being emboldened be reaſon of the ſocietie of a great many others who being guiltie of themſelves, of their own unworthieneſs, and ſmall gifts in that reſpect, out of all hope of preferrment, and therupon envayous, and uncharitable toward their brethren of the beſt quality; and all of them runne and concur together like a headſtrong faction to uphold and maintain an anarchie, and thereby to induce diſorder and confuſion in that Church, to the great hindrance of the progreſs of the Goſpel, and diſhonour and ſcandal of the profeſſours thereof: Whereupon we of our princely care and fatherly affection to the peace of the Kirk, deſiring rather in them to extinguiſh the fire of diviſion, than to ſuffer it to grow to any confuſion, and being ever willing to an uniformity of minds and affections, did thereupon appoint a moſt grave, frequent and ſerious Aſſemblie, to be keeped at Linlithgow in December laſt bypaſt, of a great number of the moſt godlie, zealous and well affected of the Nobility, Counſel, and ſmall Barons, from all the parts of that our kingdome, as alſo the moſt learned and experienced, wiſe, godlie, and diſcreet of the Miniſtrie, from all the Preſbytries in great number, by whoſe travels, care, and wiſdome, every occaſion and pretext of griefe was in ſuch moderation and godlineſs removed, that as the ſame did yield us contentment, ſo was every

thing done in that Aſſemblie with a great and general applauſe of all, giving great hopes, that from that furth there ſhould be nothing found but unitie and concord in the Kirk, and that all their meetings thereafter ſhould be full of peace and love; and thereupon, be our ſpecial warrant and allowance, it was ſpecially appointed, that the nixt General Aſſemblie ſhould be conveened and holden at Halyrudhous, the laſt Tueſday of July nixt to come: But we now perceiving, that, by the means of theſe evil diſpoſed, turbulent, and contentious ſpirits, all the proceedings of that Aſſemblie are brought in queſtion, and traduced; and by ſome no obedience given, and by others direct oppoſition made to the Acts concluded at that time, and therewith among the brethren ſuch diſtraction of minds, and bitter exaſperations one againſt another; and howſoever the meeting of the brethren, if it were in love and peace and unity, no doubt would be good in that Kirk; ſo there is no queſtion, but their conveening with a preoccupyed mind fraught with envy and malice, would give the enemys too much advantage to enter by that breach of their diſcord and diviſion, to make themſelves ſtrong, and weaken them: Therefor, we, to preveen the danger that is imminent to the eſtate of the Kirk by the diſtraction of mens affections therein; and that the General Aſſemblie may be keeped with the greater tranquility and peace, have thought meet and expedient, the whole Provincial Aſſemblies, within that our kingdom, ſhall be keeped and holden at their ordinary places of meeting the 4 of Auguſt next to come; and that in every one of the ſaids Aſſemblies there be choſen two of the moſt godlie, peaceable, wiſe, and grave, of the beſt experience of their number, with power and commiſſion to conveen at Halyrudhous, the 27 of Auguſt next to come, with the remanent Commiſſioners of the Provinces, and with the Commiſſioners of the General Aſſembly, and ſuch of our Counſel as it ſhall pleaſe us to nominat for that effect, there to confer, reaſon, and conclude, by common advice, upon the moſt convenient remedys againſt theſe evils, which, for lake of ſufficient preparation, might fall out at the ſaid General Aſſembly, that thereafter the ſame being holden and keeped in ſuch a quiet and peaceable manner as might bring true comfort to the godlie, and terrour to the wicked: And, in the mean time, we have thought expedient, that the General Aſſemblie, which was to be holden, be prorogued to the 24 of November nixt to come; and that no perſon preſume to keep the ſaid Aſſemblie in any place whatſomever, untill the time that the Commiſſioners from the Synods firſt proceed in their meet-

ing; and we have appointed the place of keeping the ſaid General Aſſemblie to be in Dundie the day foreſaid. Our will is herefor, and we charge you ſtraitly and command, that incontinent thir our letters ſeen ye paſs, and, in our name and authority, make publication and intimation hereof be open Proclamation &c. Certifying all ſuch as upon any pretext whatſomever ſhall preſume to conveen and aſſemble themſelves, contrare to the tenor and intent of this our Proclamation, they ſhall be puniſhed and proceeded againſt, as contemners and diſobeyers of this our moſt royal commandment.

Given under our Signet at our Court of Greenwich the 24 of May, and of our Reigne the 45 years.

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Proclamation by the King, for proroguing the General Aſſemblie.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. For as much as the General Aſſemblie being appointed to be keeped in the month of November nixt to come, at our Burgh of Dundie; and upon a ſpeciall reguard to the well of that Church, for the preventing of all diſſorder and confuſion in that meeting, which ought to be a preſident, and ſhould give good example to all others of good order, diſcretion, and dutiful carriage, we having ordained a meeting of ſome Commiſſioners from every Synod in September laſt, to the effect all things may be ſo duetifully prepared as the adverſaries of the Religion ſhould not take any advantage of the contentions amongſt the Brethren at their meeting: But ſo perverſe is the diſpoſition of ſome, who doe account nothing for oracles, but the invention of their own brain, that diſdaining the courſe concluded be us, and by all appearent directly oppoſing themſelves to the peace of that Church, by abſenting themſelves, or withſtanding the ſending of Commiſſioners to the foreſaid meeting, which was appointed in September laſt, as ſaid is, doe clearlie thereby demonſtrat their unquiet and unrulie inclination, as too manifeſtly appears in this their inſolent and wilfull miſreguarding of theſe Acts of the Aſſemblie at Linlithgow made with ſo uniform an applauſe: but whereas this was more than ſufficient cauſe to have ſtayed the meeting of the ſaid Aſſemblie, which, without this preceeding preparation, muſt needs be tumulteous and diſorderly; ſo in like manner, Gods preſent viſitation of our ſaid Burgh of

Dundie be the Plague, inforceth the prorogation of the ſaid Aſſemblie to ſome other time. As alſo whereas the laſt Aſſemblie keeped in our preſence, before our comeing out of that Kingdome, ſpecial Commiſſion was given for viſitation, the reports whereof are the only ſpecial things to be treated on in this Aſſemblie; yet ſo great has been the neglect of them who were appointed to goe every one in Circuit within the bounds of their viſitation deſigned, that hitherto the ſame hath been pretermitted. To the effect, therefor, that in this point the conveening of the ſaid Aſſemblie ſhould not be ineffectual, we have, by our ſpecial Letters, willed theſe Commiſſioners then appointed every one to have care in reporting againſt the time of the Aſſemblie hereunder mentioned, their ſeveral reports of their travels and tryels in their viſitation; having alſo nominated others in place of ſuch of the ſaid Commiſſioners as ſince that time are either deſeaſed, exiled, or confined. Our will is, herefore, ye paſs, and in our name and authority make publication and intimation be open Proclamation, at the Mercat Croſſes of our Burghs of Edinburgh, Perth, Dundie, and other places needful, that the General Aſſemblie is continued and prorogued to the laſt Tueſday of Aprile nixt to come, at which time it is to be keeped within our ſaid Burgh of Dundie, and betwixt and then it may be hoped that it may pleaſe God of his mercie to remove the ſaid plague of peſtilence. And in this mean ſpace all Clergiemen whatſoever of whatſoever rank or degree are diſcharged heerby; like as that ye in our name and authority diſcharge them of all conveening in anie form of pretended Aſſemblie at our ſaid Burgh of Dundie, or any part ells, the ſaid 24 day of November nixt, or any day thereafter before the ſaid laſt Tueſday of Aprile, under the pain of incurring our high diſpleaſure; and the contempt of the ſame to be puniſhed in moſt ſevere manner and higheſt degree. The which to doe &c. Be theſe our Letters given at our Court of Royſtoun, the 18 day of October, and of our Reigne the &c. Per Regem.

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Proclamation by the King for again proroguing the General Aſſemblie.

James by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. our Sheriffs in that part conjunctly and ſeverally, ſpecially conſtituted, Greeting.

For as much as the General Aſſembly of the Kirk having, upon many

neceſſary conſiderations, received ſundrie continuations heretofore be our ſpecial command and direction, we, of our princely care, and fatherly favour, and affection to the peace and well of this Kirk, having left no good means unaſſayed to extinguiſh the fire of diviſion ſtanding amongſt the brethren, and to bring them to an uniformity of minds, and harmonie, and charity, and they themſelves made the more able and ſtrong to oppoſe themſelves againſt the adverſaries of the truth, and contrarie profeſſours, whoſe increaſing number and practiſes hath proceeded of nothing ſo much as the diſſention amongſt the Miniſtrie: and the laſt prorogation and continuation having proceeded upon a godlie courſe and reſolution intended by us be directing of the Commiſſioners nominated be the General Aſſemblie with our conſent, to have viſited the whole Preſbytries and particular congregations within this our kingdome; the ſaid viſitations, in reſpect of the long and great ſtorm, and unſeaſonable time of the year, have received no effect nor execution. And we conſidering how that it is moſt neceſſar and expedient, that this viſitation ſhould yet preceed the ſaid Aſſemblie; and we being minded, if the neceſſity of other weightie affairs impeſche us not, to honour this our native country with our own preſence this year, and to be preſent ourſelf at the ſaid Aſſemblie, and be our royal authority ſettle the preſent jarres and differences in the Kirk, and eſtabliſh the ſame in a perfect unity, love, and harmony: Therefor, we have thought meet yet to proroguat and continue the ſaid Aſſemblie untill the laſt Tueſday of July nixt to come, upon which day, God willing, it ſhall begin and hold at our Burgh of Dundie. Our will is herefor, and we charge you ſtraitly and command, that incontinent theſe our Letters ſeen ye paſs to the Mercat Croſſe of our Burgh of Edinburgh, and other places needfull, and there be open Proclamation make publication hereof, wherethrough none pretend ignorance of the ſame; and that ye in our name and authority command and charge all and ſundrie our ſubjects of the Miniſtrie, that none of them preſume nor take in hand to hold or keep a General Aſſemblie at any time or place before the ſaid laſt Tueſday of July nixt to come, under all higheſt pain and charge that they may committ, and . . . . againſt us in that behalf. The which to doe we committ to you, &c. deuly executed, and indorſed again to the bearer.

Given at our Court at Whitehall, the 24 of December, and of our Reigne the 5, and 41 years 1607.

Per Regem.

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Articles agreed upon be the Brethren conveened at Falkland the 16 of June 1608, and be way of advice recommended to all the Presbyteries within the kingdom.

1. That the queſtions preſently ſtanding in controverſie among the Miniſters anent the matters of government, be untouched and unhandled on either ſide, till the nixt General Aſſemblie, and no occaſion given, be privat or publict ſpeeches, of any farther diſtraction of minds; but that all by good countenance and otherwiſe kythe themſelves to others, as Brethren, and Miniſters of Chriſt, ſetting themſelves with their endeavours, ſpecialy in doctrine, againſt Papiſts, their ſuperſtitious religion, and proud pernicious practiſes.

2. That the General Aſſemblie hold at the time appointed, which is the laſt Tueſday of July; and that his Majeſtie be moſt humblie intreated for that effect.

3. That in the ſaid Aſſemblie the commoun affairs of the Kirk ſhall be handled, and an account of the Commiſſions given in the Aſſemblie preceeding; and ſome ſolid courſe adviſed upon, for diſappointing the practiſes of the enemys, and the advancing of the Goſpel of Jeſus Chriſt.

4. That nothing which is in controverſie and make ſtriſe in the Kirk, be treated in the ſaid Aſſemblie; but the ſame be conferred upon in a private conference, be ſuch as the Aſſemblie ſhall appoint to prepare a way for compoſeing theſe differences; and the Aſſemblie to appoint a meeting of brethren at ſuch times, place, and manner, as they think fit for that effect.

5. That requeſt ſhall be made to his Majeſtie, for relaxing the brethren that are confined; and ſpeciallie ſuch of them as have been preſent at the Conference, that they may keip the ſaid Aſſemblie.

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A. D. M.DC.VIII.

THE General Aſſemblie of the Commiſſioners from the Preſbitries of the Kirk of Scotland, haldin at Lynlithgow, the 26 of Julij 1608: In the quhilk were preſent the Kings Commiſſioner, viz. the Earle of Dumbar, &c.

Seſſio 1a 26 Julij.

Exhortatioun being made be Mr Patrick Galloway, Moderatour of the laſt Aſſemblie, the brethren, after the accuſtomed maner, proceidit to the electioun of the Moderatour of this preſent Aſſemblie. The leits being nominat, Mrs Patrick Sharp, James Law, Biſchop of Orknay, John Michelſoune, Patrick Lindſay, John Hall, and Patrick Simſone; be pluralitie of votis, Mr James Law, Biſchop of Orknay, was choſen Moderatour hac vice.

The Aſſeſſours appointit to conveine with the Moderatour in the Privie Conference for treating of ſuch things as are to be concludit in the Aſſemblie, are theſe: The Erles of Dumbar, Wigtoun, and Lawthian, with the Collectour Generall, his Majeſties Commiſſioners, the Erles of Glencarne and Kinghorne, the Lords Grahame, Lindſay, Lowdoun, Blantyre, Halierudehous, the Lairds of Balmanie, Kinnaird, Kilſythe, Carnell, the Biſchop of Caithnes, Mr William Dowglas, the Biſchop of Aberdein, Mr George Hay, the Biſchop of Brechin, Mr Andro Leich, Mr Patrick Lindſay, Biſchop of Sanct Androes, Mr John Michelſone, Mr Patrick Simſone, Biſchop of Dunkeld, Biſchop of Dumblaine, Mr William Cowper, Mr Patrick Galloway, Mr John Hall, Mr David Hume, Mr John Knox, Biſchop of

Glafgow, Mr Patrick Sharp, Bifchop of Galloway, Mr Alexander Scrymgeour, Mr William Hamiltoun, Mr Thomas Ramfay, Bifchop of Argyle.

The houres of meiting are appointit to be, for the Privie Conference aught houres in the morning and twa afternoone; and for the Affemblie nyne houres in the morning and three afternoone.

The brethren appointit for reiding and anfwering of the bills are Mrs Airthur Futhie, Henrie Philp, John Clappertoun, John Reid, Peter Hewat, Edwart Hepburne, John Hay.

Seffio 2a 27 Julij.

Forfameikle as one of the moft fpeciall caufes of the conventioun of this prefent Affemblie is for fuppreffing of Papiftrie and idolatrie, quhilk daylie more and more increafes within this realme, and repreffing of Jefuites, Papifts, Seminarie Priefts, whofe number ftill more and more increafes within the fame, to the great difhonour of God and overthrow of true religioun profeft within this realme, if the fame be not with fome folid remeid obviat in tyme: Therfor, it is thoght expedient be the Affemblie, that befor all vther things, this article concerning Papifts and Papiftrie be firft advyfeit vpon and concludit. And to the effect that the Affemblie may the more folidlie and with the greater light proceid in the faid matter, therfor they have ordainit, that the Commiffioners of every Synod, at the ryfing of this Seffioun, conveine themfelves feverallie, and make ane roll containing the number of Papifts and the names of them within the bounds of thair Synod: Secondly, The caufes why Papiftrie, idolatrie, and fuperftitioun is come to fo great ane hight within this realme: Thridlie, The remeids for fuppreffing all forts of Papifts and Idolaters within the fame, viz. Papifts already excommunicat, Papifts quho hes fworne and fubfcryvit to the trueth, and yet refufes to imbrace the famein; and Papifts that in word profeffes the trueth, but in actioun and in deid contrair the fame: Fourthlie, Quhat forme of proceiding every Synod hes vfit againft the Papifts within thair bounds: Quhilks articles the faid Synods fall put in wryte, and delyver the fame to the Privie Conference at thrie afternoone.

It is lykewayes ordainit, that every Synod fall make a particular roll of the names of fuch as are refetters of Jefuites, traffiqueing Papifts, and Seminarie Preifts within thair bounds, and delyver the fame privilie to the

Erle of Dumbar his Maiesties Commissioner, to the effect ordour may be takin theranent.

Item, Because the Marqueis of Huntlie hes bein lang vnder proces and censure of excommunicatioun befor the Synods of Aberdein and Murray; and in respect of his contumacie, and obdurat superstitioun of Papistrie and Idolatrie, they have ordourlie led and deduceit the said processe vnto the finall sentence, the giving foorth and pronouncing quherof hes bein continuit be them from tyme to tyme, vpon hope of his Lordships amendement, and turning from Idolatrie and Papisticall superstitioun to the true religioun presentlie professt within this realme; and because they find no hope of the same, but, be the contrair, greater obstinacie: Therfor the haill Assemblie in ane voyce decerns and ordaines the sentence of excommunicatioun to be pronuncit against his Lordship with all possible diligence, and continues the declaratioun of the place quher the same salbe done, and be quhom, to the nixt Assemblie.

Sessio 3a. Eodem die.

In presence of the haill Assemblie, compeirit Sir Thomas Ker of Hircha, Knight, in name of George Marqueis of Huntlie, and presentit ane supplication, in name of the said noble Lord, bearand as followes: Because that conscience is the only argument that moveit me this wayes to protract tyme till I have persytit resolutioun, and being farre from ane opinator, or ane that is givin over to selfe will, as appeirit be my ȝeilding to conference, and, lastlie, be my going to the Kirk, I first wold have craved, if possiblie it might have bein done, that I might have bein heard with my awin mouth, that I might most heartlie intreate it, that ane tyme might be condiscendit on be ȝour Wisdoms, within the quhilk, as it sall please ȝou to conclude, I offer either to satisfie the Kirk, or presently to find suretie vnder great sowmes to avoyd the countrey befor this day to be prescryved be ȝour Wisdomes. Et sic subscribitur, Huntlie. And conforme therto desyrit the same to be consideritt, and requeists, in respect of the offers therin conteinit, the pronouncing of the sentence of excommunicatioun agains his Lordship might be continewit.

Wherewith the haill Assemblie being rypelie advysit, fand the offers conteinit in the said supplicatioun to be verie frivolous, and no wayes inclyning

to obedience and ſatiſfactioun; in reſpect quherof, and for many vther cauſes and conſiderationns, and in ſpeciall, becauſe his Lordſhip, be his band, ſubſcryvit with his hand the laſt day of Junij 1608 zeirs, preſentlie produceit in face of the Aſſemblie be the Commiſſioners of Aberdein, band and obleiſt himſelfe to ſatiſfie the Kirk, be communicating betuixt the dait therof and the 17 day of July laſt bypaſt, vtherwayes the Miniſtrie to proceid with the ſentence of excommunicatioun againſt him, as at mair lenth in the ſaid band is conteinit: Therfor, the haill Aſſemblie, all in ane voyce, ordaines the ſentence of excommunicatioun preſentlie to be pronouncit againſt him be the Moderatour of the Aſſemblie, in face of the haill Aſſemblie, but any delay.

Conforme to the quhilk ordinance, Mr James Law, Biſchop of Orknay, Moderatour of this preſent Aſſemblie, in face therof, in moſt ſolemne forme, pronouncit the ſentence of excommunication againſt George Marques of Huntlie.

Quhilk ſentence is ordainit to be intimat in all the kirks within this realme, be the Miniſtrie the nixt Sonday immediatlie after thair returning from this Aſſemblie; and in ſpeciall, they command and ordaine the brethren of the Synod of Aberdein and Murray to intimate the ſaid ſentence in the ſaids kirks immediatlie after thair returning, and inhibites and moſt ſtraitlie charges them, and every ane of them, that they receive no offers of ſatiſfactioun from the ſaid Marqueis, but the ſpeciall [advyce] of his Majeſtie and the Kirk had therto.

The Commiſſioners appointit in the former Seſſioun for giving in the names of Papiſts, and [the cauſes of] thair increaſe, and remeid to obviat the ſame, produceit thair particular rolls, containing the [ſaid heads, which the Aſſemblie thought good ſhould be reviſed,] abridgit, and put in order be the Biſchop of Glaſgow, Mr Patrick Symſone, Mr William Cowper, Mr John Clappertoun, Mr John Hall, and Mr George Hay, to the effect the ſame might be preſentit be them to the Privie Conference the nixt morning, that therafter they may be intreattit in face of the Aſſemblie.

Seſſio 4a 28 Julij.

Forſameikle as the brethren of the Preſbitrie of Glaſgow and Synod of

Cliddifdaill, who were appointit to deale and conferre with William Erle of Angus, Lord Dowglas, for bringing of him from blindnefs and fuperftitioun of Papiftrie and Idolatrie to the acknowledging of the trueth prefentlie profeft within this realme, did teftifie in prefence of the Affemblie, that they could fie no appearance in his Lordfhip of converfioun from his errours, but that rather by all evident tokins he was the more obftinat and obdurit in herefie of Papiftrie, quhilk fometyme he abjurit befor, be fubfcryveing of the true religioun prefentlie profeft within this realme: Therfor, the Generall Affemblie decerns and ordaines the Prefbitrie of Glafgow to proceid againft the faid William Erle of Angus with the cenfures of the Kirk vnto the finall pronouncing of the fentence of excommunicatioun aganis him inclufivé, with all poffible diligence, and that they pronounce the faid fentence of excommunicatioun againft him, betuixt and the 18 of September nixt to come; to quhom the Affemblie comitts thair haill power to that effect, difchargeing and inhibiteing any of them to receive any offers of the faid Noble Lord for abfolving him of the faid fentence, without the advyfe of his Majeftie and Commiffioners of the Affemblie had and obteinit therto.

Forfameikle as the brethren of the Prefbitrie of Perth, quho were appointed to deale and conferre with Francis Erle of Erroll, Lord Hay, for bringing of him from blindnefs and fuperftitioun of Papiftrie and Idolatrie to the acknowledging of the trueth prefently profeft within this realme, did teftifie in prefence of the Affemblie, that they could fie no appeirance in his Lordfhip of converfioun from his errours, but that rather be all evident tokins he was the more obftinat and obdurit in his erracie of Papiftrie, quhilk he fometyme abjurit before, be fubfcriving to the true religioun prefentlie profeft within this realme: Therfor, the Generall Affemblie decerns and ordaines the Prefbitrie of Perth to proceid againft the faid Erle with the cenfures of the Kirk, vnto the final pronouncing of the fentance of excommunicatioun againft him inclufivé, with all poffible diligence, and that they pronounce the faid fentance againft him betwixt and the 18 day of September next to come; to quhom the Affemblie commits thair full power to that effect, difchargeing and inhibiteing any of them to receive any offers from the faid Noble Lord for abfolving him fra the faid fentence, without the advyce of his Majeftie and Commiffioners of the Affemblie had and obteinit therto.

Forſameikle as be the declaration of [the brethren of] the Preſbitrie of Irwing, it was made known to the Aſſemblie, that after long dealing and conference had be them with the Lord Sempill for bringing him to the acknowledging of the trueth, [and embracing the true and ſincere religion] preſentlie profeſt [within this realme,] they could not reape any good fruit of thair labours and travells takin with him, but be the contrair he ſtill continues obſtinat and obdurit in his deteſtabill errour of Papiſtrie and Idolatrie, to the great hurt and evill example of the reſt of the countrey: Therfor, the Generall Aſſemblie preſentlie conveinit charges ſtraitlie [and commands] Mr Alexander Scrymgeour, Moderatour of the Preſbitrie of Irwing, vnder the paine of infamie and deprivatioun from his functioun, to pronounce the ſentence of excommuncatioun againſt the ſaid Lord Sempill, in the Kirk of Irvine, vpon the Sonday the 14 day of Auguſt nixt to come, after the ſermoun, but any [delay or] impediment quhatſumevir: And that the haill brethren of the Miniſtrie within the bounds of the Synod of Kyle, Carrick, and Cunighame, intimat the ſentence of excommunicatioun ſo pronouncit againſt the ſaid Lord Sempill, every ane of them at thair awin Paroch Kirks, vpon Sonday nixt and imediatlie following therafter; diſcharging and inhibiteing alſo the ſaid Moderatour and remanent brethren of the ſaid Synod to receive any offers of ſatiſfactioun from the ſaid Lord Sempill, but advyſe of the Kings Majeſtie and Commiſſioners of the Generall Aſſemblie had and obtainit therto.

Seſſio 5a. Eodem die.

The brethren appointit of befor for reviſeing and putting in ordour of the cauſes of the increaſe of Papiſtrie within this realme, and of the overtures for remeiding and ſuppreſſing of the ſame, gave in the ſaids cauſes and remeid therof; of the quhilk the tenour followes:

The cauſes of the growth and increaſe of Papiſtrie within this realme are thoght either to ariſe of the part of the Miniſtrie, or els of vther cauſes ariſeing from the Miniſtrie.

Firſt, Thair negligence to ſie the ȝouth in every parochin to be broght vp in the knowledge of the trueth by catechiſing; and careleſnes to vrge proviſioun for Schooles within thair bounds.

Secondlie, The raſch and ſudden admiſſioun of men to the Miniſtrie

that are not able to withſtand and convince the adverſarie, a dangerous evill in the dayes of apoſtaſie.

Thirdlie, The laike of care in Miniſters to marke the offences, viz. to conſider the courſe of the enemie, and to diſcover and dilate Jeſuites and traffiquers againſt religioun, and vthers pervertit by them.

Fourthlie, The diſtraction ariſeing among the Miniſtrie, quhill as diverſitie of judgements hes drawin them vnadvyſedlie to contrarietie of affectiouns, breeding carnall contentiouns among themſelves.

Overtures for remeiding of the cauſes forſaids.

Firſt, That it be of new inactit, that all Miniſters examine ȝoung children of the age of ſixe ȝeirs, and try that they have the Lords Prayer, the Articles of Beleiſe, and the Comandements; in the quhilk thair parents ſalbe haldin to inſtruct them befor the ſaids ȝeirs, together with ſome ſhort forme of grace befor and after meate, and ſome ſhort morning and evening prayer: and agane, that thair growth in knowledge in greater points of religioun be tryed, that afterward it may pleaſe God to grant increaſe of knowledge at the age of fyftein or ſaxetein ȝeirs, they may be admittit to the holie Communioun.

Secondlie, That the Apoſtles precept be conſidderit, Lay hands ſuddainlie on no man: And according to it, that for cloſing of the doore vpon the affectiouns of men, ſome longer tyme to be preſcryvit for admiſſioun of men to the Miniſtrie; the exceptioun of rare gifts being reſervit to the judgement of the Generall Aſſemblie.

Thirdlie, That Miniſters quho ſalbe found after tryall to have delayit the executioun of diſcipline againſt Papiſts vpon negligence, that is, either not beginning proceſſe, or, if it be begun, not ending the ſame within halfe ane ȝeir, ſall loſe ane ȝeirs ſtipend; and thoſe that ſalbe found to have done it vpon ſome corrupt favour, ſalbe ſimplie depoſeit.

Fourthlie, That ther be recomendit to the Miniſtrie a holie care mutuallie to eſchew offences, and follow peace and love quhervnto we are callit. The meanes for removing ſuch offences is referrit to the Generall Aſſemblie.

Cauſes of the growth of Papiſtrie as they are conceivit to aryſe of vthers.

Firſt, The overſieing of Seminarie Preiſts and Jeſuites to traffique within

the land, for perverting of ſuch as hes not had occaſioun to goe out of the countrey, and impunitie of ſuch as hes receivit them; as alſo the libertie of evill diſpoſed perſons voyde of knowledge, hes takin of the iniurie of tyme, to bring hame the books of apoſtats and profeſt Papiſts.

Secondlie, The preferment of men ſuſpect of religioun to publick offices within this realme.

Thridlie, The favour ſhewin be theſe that are in authoritie to traffiquers and excommunicat Papiſts, after that they had been apprehendit [and wardit,] ſick as the Abbot of Newabbay and vthers Meſs Preiſts dimittit out of ward, as it is thoght not without reward, and without all warrand of his Majeſtie, and preſentlie tolerate in the countrey without perſute, quhilk hes not only wroght a coldnes in religioun in the hearts of many peiple, bot alſo nouriſchit a falſe opinioun of his Majeſtie, quhilks oppinly burſts out in the mouthes and ſpeaches of many.

Fourthlie, That quher Preſbitries are proceiding in the tryall of Meſs ſayers and meſs hearers, impediment is made by the Lords of his Majeſties Counſell, either by advocatioun befor the Lords, or diſpenſatioun to ſuch as are excommunicat, or by contramanding the Preſbitries to deſiſt vnder the paines of horning; and that excommunicatioun being producit againſt any perſone befor the Judges, the ſame is not regairdit, but proceſſe granted vnto him as if he were a member of the Kirk and not excommunicat.

Fyftlie, The great libertie grantit to the ſubiects of this kingdome to repaire to ſuch parts, quherin nothing is taught but defectioun from religioun, and treaſon againſt lawfull Princes, and no ſecuritie takin for thair conſtancie; and in ſpeciall, the ſending of Noblemens ſonnes by ſuch as are in authoritie, foorth of the land, with ſuch convoy as may delyver them into the hands of Papiſts to be pervertit in religioun, quhervpon many of them are become apoſtats.

Laſt, The want of Preachers in many congregatiouns in this land, ſo that in ane province thretie ane Kirks are to be found vakand, and in vthers ſome 17 as in Nitheſdaill, and in vthers 28 as in Annerdaill, and ſicklyke throughout many vther parts of this land.

Overtures for remeiding of the cauſes forſaids.

Firſt, That a commiſſioun be granted be his Majeſtie to the Biſchop of every Synod, with ſuch weill affected noblemen and gentlemen as the Com-

missioners of the Generall Assemblie sall nominat, to apprehend traffiqueing Papists, Jesuites, and Seminarie Preists that does haunt within thair bounds, with power to charge the receipters to make patent doores and delyver them vp vnder the paine of treassoun.

Secondlie, That his Majestie be humblie intreatit, that no Papists or suspect of Papistrie beare charge in Counsell, Sessioun, Governement of Townes, nor vther Publick Offices; and if ther be any in the estate presentlie quhom his Hienes knowis, in his awin wisdome, to be men evill affectit towards religioun, that his Majestie wald be pleasit to take ordour therwith.

Thridlie, That his Majestie will give ordour for executioun of his Hienes lawis against Papists and traffiquers with all rigour, and that no favour be grantit be any officer of estate without his Majesties privitie, vnder paine of incurring his hie displeasure; as also, that the Counsell make no impediment by thair letters of horning to discharge the proceiding of Presbitries against the persons forsaids.

Fourthlie, That Papists quho once have bein knowin professours of Papistrie, and for eschewing of civill paines, or hope of preferment, will abjure thair religioun, that his Majestie will please to cause inact, that it sall not be laufull to such to enjoy any office or honour in the Comonnwealth, notwithstanding of thair aith and communicating, vntill fyve zeirs probatioun have bein takin of thair constancie and sinceritie in the professioun of the trueth.

Fyftlie, That the Act made at Bruntiland concerning the sons of noblemen and vthers passing vnto other countries be confiddered and confirmed, quherof the tenour followes:

Item, For eschewing of farther ill quhilk might come to the estate of religioun, be the evill educatioun of the zouth foorth of the countrey, it wald be cravit of his Majestie and Secreit Counsell, that such noblemen and vthers as directs a paedagogue with thair sons foorth of the countrey, that thair paedagogue be knowin godly and of good religioun, learnit and instructit in the same, and approvit in his religioun be the testimoniall of his Presbitrie; that thair remaining foorth of the countrey be in the places quher the religioun is presentlie professt, or, at the leist, quher ther is no restraint of the same be the crueltie of Inquisitioun; that dureing the tyme of thair absence they sall not have any idolatrous exercise of religioun; and such as hes not the moyen to sustaine a paedagogue with thair sons

foorth of the countrey, that they ſend them to ſick parts quher ther is no reſtraint of religioun; and in cace thair ſons, after thair departure out of the countrey, haunt theſe parts quher the [profeſſioun of the] true religioun is reſtrainit, that they find cautioun not to intertaine them. And in cace any that paſſes foorth of the countrey imbrace any vther religioun then that quhilk is preſentlie profeſt within this realme, and this to be ane exceptioun againſt the ſervice of thair breives, and at the tyme of the admiſſioun of them to any office or honours; and in cace any of thair parents contravene any of theſe premiſſes, that they incurre ſuch paines as his Majeſtie and Secret Counſell ſall modifie; and that ſuch as are alreadie out of the countrey either be callit back againe befor ane day to be appointit be his Majeſtie and Secret Counſell, or els that thair parents be ſubiect to the lyke conditiouns as is befor ſett downe, with ſuch vther conditiouns to be eikit as his Majeſtie ſall think expedient: And in ſpeciall, for better explanatioun heirof, that at every ſervice of any man as heire to his father or any of his predeceſſours, he be not ſervit be the Shireff or any vther ordinar Judge to burgh or land, but the teſtimoniall of the Biſchop and Moderatour of the Preſbitrie quher he dwells, beirand the confeſſion of his faith and integritie of religioun preſently profeſt within this realme.

Sextlie, That the ſonnes of ſuch noblemen as profeſſes Papiſtrie be delyverit to the cuſtodie of vthers thair noble friends that are of religioun, to be brocht vp in the knowledge of the trueth.

Sevinthlie, That the ſearchers of merchandize broght hame from begond ſeas, be comandit to ſeaſe vpon all bookes broght hame, and preſent them to be tryit be the Miniſtrie of the Preſbitrie vnto the quhilk they arrive; and that all bookeſellers lykewayes doe the ſame befor they make opin ſeale therof, vnder the paine of confiſcatioun.

Auchtlie, That excommunicat Papiſts, ſpeciallie ſuch as be of rank, be apprehendit and put in cloſe ward, and none have acceſſe vnto them but ſuch as are of religioun preſentlie profeſſit.

Nyntlie, That his Majeſtie give ordour for the downe caſting of the Laird of Gichts chappell, the houſe of John Chein in Eſſilmonth, quho receipts all Jeſuits and Seminarie Preiſts.

Tentlie, That ordour be takin with the Pilgrimages, viz. the Chappell callit Ordiquhell and the Chappell of Grace, and ane Well in the bounds of Enzie, on the ſouth ſyde of Spey.

Elevintlie, That ſick perſons as are or ſalbe excommunicat and beares

publick office within this realme, and therafter put to the horne, that they nor thair deputs ſall bruik no office nor authoritie vnder his Majeſtie after thair denunciatioun, but that his Majeſtie ſall appoint vthers in thair rowmes to doe and miniſtrat juſtice to his Majeſties lieges.

Laſt, That his Majeſtie wald take ordour anent the planting of the Kirks that are preſentlie deſtitute of Paſtors, and in ſpeciall, anent the Kirks of the Chappell Royall.

Quhilks haill cauſes of increaſe of Papiſtrie within this realme, with the overtures for remeiding therof, the Aſſemblie hes thoght expedient that the ſame be direct to his Majeſtie, with ane humble ſupplicatioun, requeiſting his Hienes to take ſuch ordour theranent, as his Majeſtie ſall think moſt expedient for repreſſing of Papiſtrie, and increaſe of the trueth and light of the Goſpell within this realme: whervnto the Erle of Dumbar, his Majeſties Commiſſioner, with the remanent of the Nobilitie preſentlie conveinit in this Aſſembly, hes promiſit to concurre: And therfor the Aſſemblie hes nominat, and be thir preſents nominats [George Earle of Dumbar,] Erle of Wigtoun, John Archbiſchop of Glaſgow, Levingſtoun of Kilſyth, Mr William Cowper, Miniſter at Perth, James Niſbit burges of Edinburgh, and Mr William Hart of Preſtoun, thair verie laufull Commiſſioners, giving them their full power to preſent the humble ſupplicatiouns of this preſent Aſſemblie to his Majeſtie, together with the cauſes of increaſe of Papiſtrie, and overtures for remeid therof above rehearſit, deſireing them that they wald earneſtlie intreat his Majeſtie to conſider of the ſame; and if his Hienes thoght expedient to cauſe the ſame to be put to executioun, and that the rather becauſe that after the laſt Conventioun haldin at Lynlithgow, quher ther was many good actis and conſtitutiouns ſett downe and concludit, the Papiſts, nevertheleſſe, did moſt proudlie and contemptuouſlie vpbraid diverſe of the Miniſtrie, manaſſing them that they or the nobilitie conveinit with them at that tyme, durſt be bold to conclude any thing that might protend to the prejudice of Papiſts or Papiſtrie, as was cleirly vnderſtood be the brethren conveinit in this Aſſemblie.

Seſſio 6a. 29 Julij, Ante meridiem.

The quhilk day the Aſſemblie thoght expedient, that the Commiſſioners above ſpecified, electit and choſin to preſent the ſupplicatioun of this preſent

Aſſemblie to his Majeſtie, as is above rehearſit, ſall with all commodious diligence repaire to his Majeſtie, and with all humilitie preſent the ſaid ſupplicatioun to his Majeſtie, and quhat anſuer it ſall pleaſe his Hienes to give, that they report the ſame betuixt and the 15 of November nixt to come: And to that effect the Aſſemblie hes choſin out of their number the Noblemen, Barrons, and Brethren vnderwrytin, viz. Erles of Craufurd, Mortoun, Glencairne, Lythgow, Kinghorne, Lords Grahame, Lindſay, Saltoun, Lovat, Torphichen, Lowdoun, Scone, Balcleugh, Blantyre, Halierudehous, the Conſtable of Dundie, the Lairds of Kynnaird, Balvaird, Carnell, Houſtoun, Admiſtoune, Broxmouth, Polwart, Sir John Hoome of Northberwick, The Commiſſioners of Edinburgh, Perth, Sanct Androes, Glaſgow, with the brethren after following, viz. Mrs William Dowglas, Alexander Rawſone, Abraham Sibbald, John Reid, Arthur Futhie, Andro Ramſay, John Kynneir, David Lindſay, Adame Ballantyne, Patrick Weimes, Edward Hepburne, George Ramſay, William Methven, Patrick Shaw, William Birnie, Walter Stewart, Hew Fullertoun, John M'Quhorne, Thomas Ramſay, Robert Glendinning, together with the Commiſſioners of this Generall Aſſemblie, to conveine at Edinburgh the ſaid 15 day of November nixt to come, and ther to receive from the ſaid Commiſſioners the report of his Majeſties moſt gracious anſwer to the ſupplicatioun forſaid, in name of the haill Aſſemblie: And in the meane tyme, the Aſſemblie commands and ordaines the haill Preſbitries within this realme to proceid againſt Papiſts of all ſorts within thair bounds with the cenſures of excommunicatioun.

The ſaid day the Commiſſioners of the laſt Generall Aſſemblie being callit to give count of thair haill proceidings ſince the laſt Aſſemblie, compeirit and offerit themſelves to be tryit in thair proceidings be this preſent Aſſemblie, and to abyde at the cenſure of the ſame; and being demandit for productioun of thair acts and proceidings in wryt, declarit be the mouth of Mr John Hall, thair Moderatour, in abſence of Mr Patrick Galloway, that the ſame could not be found, be reaſon that ſometyme vmquhile Mr James Nicolſone, Miniſter at Meagle, and in his abſence vmquhile Richard Thomeſoune, Miniſter at Caſſiltoun, were ordinar ſcrybes and keipers of the rolls of all thair proceidings, quho are both deceiſſit this lyfe; and albeit they have made travells at their executours hands for obtaining of the ſaids ſcrowis, yet they could in no wayes attaine vnto the ſame; and therfor they and everie ane of them did offer themſelves to be particularlie

cenſurit be this preſent Aſſemblie; [in reſpect whereof the Aſſemblie] ordainit them all to remove: quhilk being done, Mr William Couper, Moderatour, appointit to this effect, demandit publicklie, if any of the Aſſemblie had ought to object againſt the ſaids Commiſſioners proceidings why the ſame might not be ratified and allowit: and in reſpect of the taciturnitie of the haill brethren, and that nothing worthie of cenſure was objectit to any of them for thair proceedings, the ſaids Commiſſioners being returnit in the Aſſemblie, tooke inſtruments of the ratificatioun and allowance of thair ſaids proceidings.

The ſaid day, the brethren of the Generall Aſſemblie preſentlie conveinit having advyſedlie conſiderit the [neceſſity of] electing and chooſing of Commiſſioners from this preſent Aſſemblie, for giving advyce to his Majeſtie for ſuppreſſing of Papiſticall ſuperſtitioun quhilk increaſes more and more daylie within this realme: Therfor they have made, conſtitute, and ordainit, lykeas they, be the tenour heirof, maks, conſtitutes, and ordaines Mr George Glaidſtanes, Biſchop of Sanct Androes, Mr John Spottiſwood, Biſchop of Glaſgow, Mr David Lindſay, Biſchop of Ros, Mr Alexander Lindſay, Biſchop of Dunkeld, Mr Peter Blackburne, Biſchop of Aberdein, Mr James Law, Biſchop of Orknay, Mr Alexander Dowglas, Biſchop of Murray, Mr Gawin Hamiltoun, Biſchop of Galloway, Mr Alexander Forbes, Biſchop of Cathnes, Mr Andro Lamb, Biſchop of Brechin, Mr Andro Knox, Biſchop of the Yles, Mr Patrick Galloway, Mr David Hoome, Mr John Clappertoun, Mr John Knox, Mr Robert Howie, Mr John Hall, Mr John Caulcleugh, Mr John Strauchane, Mr Andro Boyd, Mr Andro Leich, Mr Robert Wilkie, Mr Patrick Sharp, Mr Patrick Symſone, Mr George Hay, Mr Patrick Lindſay, Mr William Scott, Mr Adame Ballantyne, Mr John Hay, Mr William Cowper, or any elevin of them, thair verie lawfull and vndoubtit Commiſſioners from this preſent Aſſemblie; giveand, grantand, and committand to them, or any elevin of them, as ſaid is, thair full power to plant ſuch kirks in the ſpeciall Burrowſtounes as preſentlie are or ſalbe [found] deſtitute of Paſtors, befor the nixt Aſſemblie.

Attour, If it ſall happin the Kings Majeſtie to be greivit at any of the Miniſtrie for quhatſomevir enormitie committit be any of them againſt his Hienes, with power to them, or any elevin of them, to try and cognoſce thervpon, and take ſuch ordour theranent as they ſall think expedient to the glorie of God and weill of the Kirk; and, finallie, with power to them

to preſent the greives and petitiouns of the Kirk to his Majeſtie, his Hienes Secreit Counſell, [Generall] Conventiouns, and Parliaments that ſall happin to occurre befor the nixt Aſſemblie, and to crave redreſſe of the ſame: ordaining them to give compt of thair proceidings to the nixt Aſſemblie quhen it ſall happin to conveine. Promitten de rato, &c.

It is alwayes ſpeciallie provydit, that this preſent nominatioun of the ſame Commiſſioners, quhilks were for the moſt part Commiſſioners in the laſt Aſſemblie, ſalbe no wayes prejudiciall to the libertie of the Aſſemblie in chooſing and electing Commiſſioners quhom they ſall think moſt meitt and expedient; neither ſall this electioun induce or import any perpetuitie of the office in the perſons electit.

Item, It is ſtatute, that the haill Commiſſioners be deſyrit and warnit to keip all thair conventiouns, if opportunelie the ſame may be done.

Forſameikle as the diſtractiouns and eyeliſts, quhilk are ſuſpectit to be in the hearts of the brethren among themſelves, is one of the moſt ſpeciall and vrgent cauſes of the increaſe of Papiſts and Papiſtrie within this realme: Therfor, for avoyding therof, that certaine of the brethren, viz. the Biſchops of Sanct Androes, Glaſgow, Ros, Orknay, Mr John Hall, Mr Patrick Simſone, Mr William Cowper, and Mr John Knox, conveine with his Majeſties Commiſſioner to advyſe vpon the moſt ſolid and ſubſtantious overture for removeing of the eyeliſts and diſtractiouns, and to report the ſame to the Aſſemblie the nixt Seſſioun.

Seſſio 7a. 26 Julij. Poſt meridiem.

The ſaid day, the brethren appointit for advyſeing vpon the beſt overtures anent the diſtractiouns and eyeliſts that were entrit in the hearts of the Miniſtrie, declarit, that after mature deliberatioun they fand the ſaids eyeliſts and controverſies to ariſe either vpon diſtractiouns of affectiouns, or vpon diverſitie of opiniouns; the firſt quherof being carnall, and therfor more dangerous, becauſe it ſufferit not the brethrein whoſe affectiouns were ſeparatit to vnite themſelves with efauld and vniforme counſell and advyce, to reſiſt the ſubtile practice of the commoun enemie, and ſo give him place with his ſubtile crafts and ſchifts to enter in the Kirk of God, and therby to ſupplant and vndermyne the ſame: Therfor, thair advyce was, that as the danger increaſes be the nouriſhing of the diſtractit affec-

tiouns of the brethren, even ſo the cure was the more neceſſar, and the more haſtilie to be applyit, to wit, that the haill brethren in the Miniſtrie ſould preſentlie, in the feare of God, lay downe all rancour and diſtractiouns of heart and affectiouns, quhilk either of them hes borne againſt vthers in any tymes bypaſt, and be reunited and reconcileit with heartie affectioun in Chriſt, as becomes them quho are Miniſters of the Word of God, and Preachers of peace and Chriſtian love and charitie to his people; to the effect that by this heartie reconciliatioun, thair hearts and devyſe may be communicat for diſſappointing of the craftie devyſe of the commoun enemie: Quhilk advyce the haill brethren of the Aſſemblie moſt lovinglie and heartilie imbraceit, and ordainit every ane of them, aſweill Commiſſioners preſent as of the Miniſtrie that were abſent, to obey the ſame by laying downe all grudge or rancour that any of the brethren doe beare at vthers; in tokin quherof, and of the effauld vnioun of hearts and affectiouns, they all held vp thair hands to God, teſtifieing to his Majeſtie the truth of thair hearts in the ſaid matter: And lykewayes they ordainit the ſame to be intimat to the reſt of thair brethren at thair returning to thair Preſbitries, to the effect that the ſamein may be done in every Preſbitrie immediatlie after thair returning, as ſaid is; inhibiteing alſo and diſcharging any ſuch diſtractiouns or rancour to be among them, either in affectioun, or in word, deid, or countenance, but that they concurre in ane mutuall friendſhip and holie amitie in God, as becomes the Paſtours of the Kirk of Chriſt; and quhoſoevir does in the contrair, that he be cenſurit in his awin Preſbitrie or Synod; and in cace of thair negligence, be the Commiſſioners of the Generall Aſſemblie.

As for the ſecond cauſe of eyleiſts, quhilk is ſaid to ariſe vpon diverſitie of opiniouns, becauſe the ſaid diverſitie of opiniouns reſults vpon different judgements amangs the brethren concerning the externall governement and diſcipline of the Kirk, quhilk cannot be ſo ſhortlie diſcuſſit and advyſeit vpon as the brevitie of this Aſſemblie permitts: Therfor, it was the opinioun of the brethren forſaid, that the ſame ſould be delayit to ane tyme more convenient, and in the meanetyme certaine appointit to reaſon, treat, and advyſe vpon the ſame: quhilk lykewayes the Aſſemblie hes thoght expedient, and therfor, they have electit and choſin the brethren after following, viz. the Biſchop of Sanct Androes, Biſchop of Glaſgow, Biſchop of Dunkeld, Biſchop of Orknay, Biſchop of Cathnes, Mr Patrick Sharp, Mr Robert Howie, Mr John Michelſone, Mr Henrie Philp, Mr George Hay,

Mr Patrick Galloway, Mr John Hall, Mr Patrick Simſone, Mr William Scott, Mr Archibald Oſwell, Mr John Knox, Mr John Carmichaell, Mr Adame Ballantyne, Mr John Weimes, and Mr William Cowper, thair Commiſſioners in that pairt, to conveine with his Majeſtie, or ſick of his Majeſties Counſell as be his Majeſtie is appointit, [at ſuch tyme and places as they ſhall be requyrit be his Majeſtie] and to treat, reaſon, and conſult vpon all matters ſtanding preſentlie in controverſie among the brethren anent the diſcipline of the Kirk; and quhatſoevir they aggrie vpon to report to the nixt Generall Aſſemblie.

And in the meanetyme, quhill the nixt Aſſemblie, for ane interim, the advyſe of the brethren conveinit at Falkland, the 16 of Junij laſt, be obſervit anent the conſtant Moderatour.

Item, It is ſtatute and ordainit, that as vpon every fyft day of Auguſt, publick thankſgiving is given to God, for the preſervatioun of his Majeſtie from the treaſon of ſometyme John Erle of Gowrie, throughout all the parts of Great Britaine, that evin ſo the ſame be intimat at every paroch Kirk with all poſſible diligence, ordaining that ſuch as refuſes to doe the ſame, be obſervit and delait to the Commiſſioners of the Generall Aſſemblie.

Item, Becauſe the brethren appointit for tryall of the diligence of the Commiſſioners appointit be the laſt Generall Aſſemblie for viſitatioun of the Preſbitries, did report, that it was ane generall greife and complaint givin in be the ſew Commiſſioners, that had produceit thair diligence, of the great deſolatioun of the want of Paſtours, and in ſpeciall of the fareſt of the South and North parts: Therfor the brethren ordaines the Commiſſioners of this Aſſemblie to direct ane ſupplicatioun to his Majeſtie for taking ordour for planting of the haill Kirks within this realme.

And in reſpect of the great neceſſitie of the Kirks of Annerdaill, Ewiſdaill, and Eſkdaile, and the reſt of the Kirks of the Daills quhilk are altogether vnplantit, as lykewayes of the Kirks of Cathnes and Ros, in the quhilks it is regraitit that in many of them the holie communioun was never celebrate: Therfor, the Aſſemblie has givin and grantit, lykeas they, be the tenour heirof, gives and grants thair full power and commiſſioun to the brethren vnderwrytin, viz. to the Biſchop of Glaſgow, [and Mr John Knox,] for viſitatioun of the Kirks of Annerdaill, Ewiſdaill, Eſkdaile, and the reſt of the Daills vnplantit, as ſaid is; and to the Biſchop of Cathnes, George Dowglas, and Mr William Dowglas, for viſitatioun of the Kirks of Cathnes and Ros, with power to them to plant Miniſters at the Kirks

within the ſaids bounds reſpectivé; and to try the literature, qualificatioun, and converſatioun of ſuch as are already plantit, and in cace of vnſufficiency to deprive them from thair functiouns; with power alſo to cauſe kirks be reedified quher as they are demoliſhed; and if neid beis to vnite kirks quher neceſſitie requyers; and to report thair diligence to the nixt Aſſemblie: Promitten de rato &c.

Seſſio vltima. Penultimo die Julij, ante meridiem.

Item, Becauſe ane great part of the deſolatioun of Kirks proceids from the abſence of certaine of the Miniſtrie from thair flocks, be reaſon they are ſo confynit: Therfor, the Aſſemblie hes thoght it expedient, that thair Commiſſioners direct ane humble ſupplicatioun to his Majeſtie, humblie deſyreand his Hienes to ſett at libertie ſuch of the Miniſtrie as are confynit, to the effect be thair preſence and waiting on thair cure, thair flocks may be conforted, quhilks are now left deſolate.

Item, Becauſe it is humblie lamentit that the inhabitants of the towne of Aberdein ceaſes not zeirlie to elect and chooſe ſuch perſons to be Magiſtrats and vpon thair Counſell as are wilfull and profeſt Papiſts, and enemies to the trueth profeſt within this realme, to the diſhonouring of God, diſhearting of ſuch as feares his name, and to the contempt of diſcipline within that burgh: Therfor, it is ordainit [be the Aſſemblie,] that the Preſbitrie of Aberdein inhibit the Counſell and inhabitants of the ſaid burgh, that they elect nor chooſe no Papiſts to beare office of ane Magiſtrate or vpon any Counſell in any tyme comeing, and if they doe in the contrair, that they proceid againſt them with the cenſures of the Kirk; ordaining lykewayes the Commiſſioners appointed for his Majeſtie to adjoyne this petitioun to the reſt of thair ſupplicatiouns, that by his royall authoritie ane civill paine may be imponit vpon the contraveiners of the ſaid act.

Item, It is ordainit, that no Miniſter in any tyme comeing ſall take vpon him to ſoliſt in favours of Papiſts, or ſuſpect of Papiſtrie, either before the civill or ſpirituall Judge, or vtherwayes, either be word or wryte, vnder the paine of deprivatioun.

Item, Becauſe ther is ſundrie ſupplicatiouns and bills givin into the Generall Aſſemblie, quhilk for the ſhortnes of tyme cannot be decydit and anſuerit: Therfor, the Generall Aſſemblie remitts the ſame to thair Com-

miſſioners above conſtitute, ordaining them to conveine vpon the 15 day of November nixt to come, and ther to decyde and anſuer all ſuch bills and ſupplicatiouns as ſalbe directit vnto them vpon the back, from this preſent Aſſemblie.

Item, Becauſe it hes pleaſed God of his mercie to grant a good and happie ſucceſſe to this preſent Conventioun, to the confort of his awin Kirk, and diſcontentment of the enemies, therfor the Aſſemblie ordaines the ſame to be intimat be every Preſbitrie at thair ſeverall paroch Kirks immediately after the diſſolving of this Conventioun, and that they give publick thanks for the ſame, and pray God for a proſperous and long reigne to his Majeſtie and the health of his royall poſteritie.

The nixt Generall Aſſemblie is ordainit to hald at Edinburgh the laſt Tueſday of May 1609 ȝeirs, if his Majeſtie ſall think expedient.

Thanks being givin to God for the proſperous event of this preſent Aſſemblie be prayer and ſinging of pſalmes, the ſame was dimiſſit.

[Extract furth of the Regiſters of the Acts of the General Aſſemblie by me Mr Thomas Nicolſone, Clerk Keeper and Extractor therof. C.]

[Proclamation by the King for proroguing the meeting of the Commiſſioners appointed be the laſt Aſſembly, from the 15 of November till the 6 of December.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. Meſſengers, our Sheriffs in that part conjunctly and ſeverally, ſpecialy conſtituted, Greeting. Foraſmuch as although the firſt advertiſement of the godly forwardneſs and zeal kythed be theſe of our Nobility, Clergy, and the other Eſtates of this our kingdom, conveened lately in a General Aſſemblie at our Burgh of Linlithgow, did give unto us no ſmall cauſe of joy and contentment, that there ſhould be ſo great a number of well affected and diſpoſed people in religion within our ſaid kingdome in theſe dayes, when blindneſs and ignorance have taken ſo great hold in forain parts; yet ſince that firſt advertiſement, we are ſo much the more ſatiſfied and contented with their whole proceedings, being

certified of the ſame at length by our oun Commiſſioner who was preſent all the time thereof, and be repair hither of ſome Commiſſioners ſelected out of everie Eſtate, and directed be the ſaid Aſſemblie, ſuited unto us for the allowance of certain matters moved amongſt them; upon the firſt hearing of which propoſitions, we having clearly diſcovered the true difference betuixt the lawfull and unlawfull meetings, and the good fruits that well licenſed and lawfull conveened Aſſemblies will produce, concurring together in a continued harmonie to advert the common enemy, and to deliberat upon ſuch matters, whereby his grouth and increaſe may be ſtayed; and that ſuch in whom errours are ſo far rooted as there is no hope of reclaiming, may be either utterly ſuppreſſed, or at leaſt brought to that caſe, that they need not to be feared in any ſort, or reguarded; and not according to ſome late proofe of unlawfull conventicles, who upon a hair brained folie do preaſſe to rais a ſchesim in the Church, and by diviſion doe give that advantage to the enemy, that their untimous concurring afterward together will hardly gett remeeded: and as love is the main point in all religion, ſo the tokens of a general uniformity amongſt the Clergy and other Eſtates there conveened, uttered be them before the diſolving of their Aſſemblie, did teſtifie to the world, with what true ſincerity and affection of heart that whole meeting was; wherein their proceedings, by excommunication of one of the great ſubjects in this land, did therewith ſhew the ſmall reguard they have to offend any that are of contrarie profeſſion; which as we cannot but commend very much in them, ſo ſince the Almightie God hath been pleaſed to committ the Patrocinie of this Church in our dominions to our care and protection as his Lieutennant here on earth, and nurſe Father of the ſame, we intend no way to be defective therein, but to aſſiſt all the lawfull proceedings of that Church, as well in advancing the Goſpel as repreſſing contrarie profeſſours. And having conſidered the petitions brought unto us by theſe Commiſſioners ſent from the ſaid Aſſemblie, as we doe very well allow of the ſame, ſo for the better incouraging of theſe who have had this turn in hand, of whom we hold everie one in their oun degree to have deſerved our ſpecial thanks, and to affray all ſuch who dare kyth themſelves of a contrarie faith; it being certified unto us, that, at the diſſolving of the ſaid Aſſemblie, certain of everie Eſtate were appointed to meet at Edinburgh, the 15 of November nixt, to attend the Commiſſioners return, and to underſtand from them our acceptation of the propoſitions brought hither with them; and we being willing not only to

declare our allowance of the ſame, but farther to authorize and countenance the ſame with our royal authority and pouer, have therefor thought meet to appoint a Convention of our Eſtates of this our kingdom, the 6th day of December nixt, againſt which time we doe intend to ſend doun thither our particular pleaſure and will concerning all theſe petitions preferred be the ſaid Commiſſioners to us. Our will is, therefor, and we charge you ſtraitly and command, that incontinent theſe our Letters ſeen ye paſs to the Mercat Croſs of our Burghs of Edinburgh, Perth, Sterline, Glaſgow, Dundee, Aberdeen, Elgine, Dumfries, and other places needfull, and there, in our name and authority, be open Proclamation, make intimation to all ſuch who expect for the return of our anſwere at the ſaid 15 day of November, that they repair to our ſaid Burgh of Edinburgh, the ſaid 6 day of December nixt, where we intend not only a good, plauſable and acceptable anſwere delivered for the true comfort of all good profeſſours; but that ſome ſuch farther courſes alſo ſhall be concluded upon by our Eſtates to be at that time convened, as may moſt avail for the proſecuting of . . . . . may both repreaſſe the common enemy; and that, in this happie union of the Church of that our Kingdome, God his glory may be advanced, and true religion profeſſed.

Given at our Mannour of Hamptoun Court, the 2d day of October, and of our reigne the 6, and 42 years, 1608.

Per Regem.

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The Convention of Eſtates appointed by the Kings Proclamation to be holden at Edinburgh, on the 6 day December, was continued to the 24 of Januar, 1609.

On which day, the Kings Commiſſioner the Earle of Dumbar being preſent, there was holden at Edinburgh a General Convention of the Eſtates, to hear the report of the Kings anſwere to the Petitions of the laſt General Aſſembly. The Biſhop of Glaſgow, Mr John Spotſwood, rehearſed at great length the Kings ſpeeches concerning the approbation of all that was done at the laſt Aſſembly, yea, that he commended the ſame

ſo farre that he confeſſed, that if he had been there in his oun perſon he would neither have done more nor leſs than they had done. What concerned Papiſts and Papiſtrie, that, ſaid he, his Majeſtie has granted abſolutely, yea, hath ſent the Earle of Dumbar armed with all authority needfull to doe, as they craved. But as for the Brethren that are under the Kings diſpleaſure, who were baniſhed, impriſoned or confined, that if they would make an humble ſupplication for their libertie, ſo gentle and clement was his Majeſtie, that he would be readier to grant, then they to ſuit. Theſe things reported at length be the Biſhop of Glaſgow and Mr William Couper, Mr James Law, Biſhop of Orknay, Moderator of the laſt Aſſemblie, aſked at the Noblemen, what they thought of the Report. They all in one voice anſwered, they thought well of it, and praiſed God from their hearts, for giving them ſuch a religious and gracious Prince, who had ſuch a reſpect to the glory of God, and good eſtate of the Kirk, and hated everie thing that was prejudicial to the ſame.

Then were paſt the following reſolutions. Firſt, That the Biſhops ſhould be examiners of Pedagogues that paſſed with Noblemen and Gentlemens ſons out of the countrie.

Item, That none ſuſpected of Popery that are young Gentlemen, be entred to their lands, except they have the Biſhops recommendation to the inqueiſts, and a teſtificat of their ſoundneſs in religion.

In end, mention was made of the Conference which was to be holden between the Biſhops and the Miniſters. The Biſhop of Glaſgow ſaid, that a day was appointed already be the Earle of Dumbar, and the Commiſſioners of the Kirk, in Februar nixt to come; and for that effect advertiſment ſhould be made to all having entreſs.

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Follow the Memorials penned by Mr Spotſwood, Biſhop of Glaſgow, ſent to his Majeſtie by the Biſhop of Galloway, Mr Gawin Hamiltoun.

Memorials to be propounded to his moſt excellent Majeſtie.

1. Yow ſhall relate the proceedings of the late Convention, and what affection ſome that were preſent kythed therein, that his Majeſtie may be forſeen with mens diſpoſitions, for the better choice of theſe to whom the affairs ſhall be concredited.

2. Yow ſhall remember the care we have had of reclaiming the Mar-

quiſe of Huntlie, and the Earle of Erroll, from their errours, and the ſmall profite we have ſeen thereof; and inſiſt for his Majeſties favour to the petition of our Letter.

3. Anent the Miniſters that are confined, your Lordſhip ſhall excuſe the requeſt made be us in ſome of their favours, ſhewing how it proceeded; and farther declare, that of late they have taken courſe to give in ſupplications to the Counſel for their enlargeing to a certain time, for doeing their particular buſineſſes at Seſſion, and otherwiſe in the country; and that ſome of them have purchaſed licence be the votes of the Counſel, albeit we opponed: Therefor beſeek his Majeſtie to remember the Counſel, that the confineing of theſe Miniſters was for faults done be them to his Hienes ſelf, and that they ſhould be acknowledged and confeſſed to his Majeſtie, and his Hienes pleaſure underſtood therein, before the grant of any favour; otherwiſe they ſhall undoe all that has been hitherto followed for the peace of the Kirk.

4. Touching the Erections, it is our humble deſire to his Majeſtie, that the Noblemen, in whoſe favours the ſame hath been paſt, may take order for the proviſion of their Kirks, according to the conditions made in Parliament, or then diſcharge their Erections, which ſeems beſt to be done be an Act in this inſewing Seſſion of Parliament, for which his Majeſties warrant would be had: And ſicklike, ſome courſe would be taken for the Prelacies erected, which have paſt alſo the conſtant Platt; that the preſentation of Miniſters to the modified ſtipends, at the vacancy of the Church, ſhould be in his Majeſties hand, whereunto, although his Majeſties expreſs commandment was given of before, no head was taken be ſuch as had the charge of affairs.

5. Since this matter of the Commiſſariats importeth ſo much to the reformation of our Church government, as this being reſtored, in a little time the reſt may be ſupplied that will be wanting, it ſhall be good to remember it be a ſerious letter to my Lord Dumbar, that we may know in due time what is to be expected. And ſince our greateſt hindrance is found to be in the Seſſion, of whom the moſt part are ever in heart oppoſite unto us, and forbear not to kyth it when they have occaſion, yow ſhall humbly intreat his Majeſty to remember our ſuit for the Kirkmens place according to the firſt inſtitution, and that it may take at this time ſome beginning, ſince the place vacant was even from the beginning in the hands of the Spiritual ſide, with ſome one Kirkman or other till now; which

might it be obtained, as were moſt eaſie be his Majeſties direction and commandment, there ſhould be ſeen a ſudden change of many humours, in that State, and the Commonwell would find the profite thereof.

6. Anent our Conference with the Miniſtrie, your Lordſhip will declare the time that is appointed, and the reaſons of the continuation of the ſame.

7. Becauſe in the time of Parliament chiefly it ſhould be expedient to have the Biſhops teach in the pulpits of Edinburgh, his Majeſtie would be pleaſed to commend this to my Lord of Dumbar be a particular letter; and to require alſo the Miniſters of Edinburgh to deſire their help at that time, if it were for no other end, but to teſtifie their unity and conſent of mind to the Eſtates.

8. Becauſe the Kirk of Leith lyeth deſtitute in a ſort through the Biſhop of Roſſe his age, and the impriſonment of Mr John Murray; and that the ſaid Mr John is no way minded, as appeareth, to give his Majeſtie ſatiſfaction; neither were it meet, in reſpect of his carriage, that he ſhould return to that Miniſtrie; and to inſiſt in his deprivation with the Commiſſioners, might perhaps breed unto us a new difficulty: If his Majeſtie ſhall be pleaſed, we do hold it moſt convenient for this errand, that the ſaid Mr John be conveened before the Counſel be his Majeſties command, and be them be charged to ward in the Toun of Newabbay and ſome miles about, having libertie to teach that people, amongſt whom he ſhall find ſome other ſubject to work upon than the State of Biſhops. And for the proviſion of Leith, that his Majeſtie will be pleaſed to command the Preſbytrie of Edinburgh, in reguard of the Biſhop of Roſſe his age, and the ſaid Mr Johns tranſportation be his Hienes appointment, to have care that the ſaid Kirk of Leith be planted with all convenient diligence be Mr David Lindſay ſometimes Miniſter of Sanct Andrews, for whom both the people is earneſt, and we may have ſufficient aſſurance to his Majeſties ſervice. And in caſe the ſaid Preſbytrie prove wilfull, that another letter to the ſame effect may be ſent to the Commiſſioners of the Generall Aſſembly, who may take order to ſee that matter ended, if ſuch ſhall be his Majeſties pleaſure; and this would be done with all diligence convenient.

We cannot but remember alſo the miſorder creeping in the countrie, that once was happily repreſſed, the wearing of gunnes and piſtolls; and humbly beſeek his Majeſty, that ſome new courſe may be eſtabliſhed be ſearchers of ſuch perſons, and delating of them to the Counſel, that they

may be punifhed; and that the Treafurer may have commandment to make choice, in everie country, of certain that fhall be thought fitteft to fearch, which fhall be known only to his Lordfhip felf, and fatiffie them for their pains, to the end this infolence may be reftrained. Particularly it would be forbidden in the granting of Commiffions, that this liberty be not permitted; for this is one of the caufes of their fo open bearing, as faid is.

Thefe particulars, your Lordfhip will have care to propone to his Majeftie at fome fit time, and fee the anfwers thereof difpatched accordingly.

Your Lordfhips fhall remember my Lord of Cathnefs and his penfion.

GLASGOW, be warrant, and at the defire of the reft of my Lords the Bifhops.

My Lord, when your Lordfhip fhall fpeak for the help of our Kirks, be the fall of thefe men that poffefs our livings, and do juftly incurre his Majefties indignation be their hainous offences, be pleafed to remember the cafe of Lanerk; the poffeffors of the tithes be now excommunicated, and at the horn. Defire his Majefties favour for the grant of them to Mr William Birnie, Minifter there, whofe difpofition your Lordfhip knows to his Majefties fervice; and his Hienes letter for that effect to my Lord Treafurer, that he may be poffeffed in the fame with all convenient diligence. Likewife remember the provifion of Cramond, and the Bifhop of Dunkeldens intereft to thefe tithes.

GLASGOW.

. . . . . .

Proceidings of the Conference, appointed be the laft Affembly, holden at Falkland, the 4th of May, 1609.

The Earles of Dumbar and Wigtoun, my Lord Skoone, and my Lord Fentounbarns, Collector, Commiffioners for his Majeftie; Mrs George Gledftains, John Spotfwood, Alexander Lindfay, Alexander Forbeffe, Patrick Sharp, Robert Howie, John Mitchelfon, Henrie Philip, and George Hay for the Bifhops; Mrs Patrick Galloway, John Hall, William Scott, Archbald Ofwald, John Knox, John Carmichaell, Adam Bannatyne, John Wemes, and William Cowper, (Patrick Simfon being abfent,) mett in that chamber, which was her Majefties, for difcharging a Commiffion directed

from the laſt General Aſſemblie, holden at Linlithgow, the 29 day of Julie 1608 years. In the which meeting the ſaid Commiſſioners proceeded as followeth:

Seſſio 1a.

After prayer, and a ſhort ſpeech uttered be Mr James Law, Moderator, the Commiſſion of the General Aſſembly was read; whereof the tenour followeth:

At Linlithgow, the 29 of Julie 1608, poſt meridiem.

As for the ſecond cauſe of the eyelifts which are ſaid to ariſe upon diverſities of opinions, becauſe the ſaid diverſities of opinions reſult upon different judgments among the brethren, concerning the external government and diſcipline of the Kirk, which cannot ſo ſhortly be diſcuſſed and adviſed upon as the brevity of this Aſſemblie permitts: Therefor, it was the opinion of the brethren appointed for the adviſeing of the beſt overtures anent the diſtractions and eyelifts that are entred in the hearts of the Miniſtrie, that the ſamen ſhould be delayed till a time more convenient; and, in the mean time, certain appointed to reaſon, treat, and adviſe upon the ſame, which likewiſe the Aſſemblie has thoght expedient; and, therefor, they have elected and choſen the brethren after following, viz. the Biſhops of Sanct Andrews, Glaſgow, Dunkelden, Orkney, Cathneſs; Mrs Patrick Sharp, Robert Howie, John Mitchelſon, Henrie Philip, George Hay, Patrick Galloway, John Hall, Patrick Simſon, William Scot, Archbald Oſwald, John Knox, John Carmichael, Adam Bannatine, John Weemes, and William Couper, their Commiſſioners in that part, to conveen with his Majeſtie, or ſuch of his Majeſties Commiſſioners as his Hienes ſhall appoint, at ſuch time and places as they ſhall be required be his Majeſtie; and to treat, reaſon, and conſult upon all matters ſtanding preſently in controverſie among the brethren, anent the diſcipline of the Kirk; and whatſomever they aggree upon, to report to the nixt General Aſſemblie; and, in the mean time, while the nixt Aſſemblie, the advice of the brethren conveened at Falkland, the 16 of June laſt bypaſt, be obſerved anent the conſtant Moderators.

There was read alſo his Majeſties Miſſive Letter, and a letter of excuſe from Mr Patrick Simſon. And thereafter a motion was made be his Ma-

jefties Commiffioner, and propouned be the Moderator, that five of either fide fhould be put apart, to fett down the order of proceeding.

After fome reafoning upon the faid propofition, and fome objections againft the fame, it was admitted and followed: and for the Bifhops were named, Sanct Andrews and Glafgow, Patrick Sharp, Robert Howie, and Henrie Philip; for the Minifters, Patrick Galloway, John Hall, William Couper, John Carmichael, and William Scot.

The Earl of Dumbar, my Lord Fentounbarns, James Law, Moderator, and the ten which were nominated and chofen, removed and went into his Majefties Chamber, where the Commiffion was read again; which being confidered, was thought very general be fome; and for limitation thereof, the particulars after following were proponed be the Minifters:

Firft, That the brethren, among whom the alledged controverfies were, fhould be particularly named, or at leift fome way defigned, whereby the one party might be known be the other.

2ly, It was required, that the alledged controverfies fhould be denominated and condefcended upon, for clearing of the firft point. Thefe of the part of the Miniftrie declared, that they were one in judgment with the godlie Fathers, reformers of the Kirk of Scotland, and fuch as had from time to time, in General Affemblies, appointed the difcipline, and obtained ratification thereof; as alfo that they efteemed the difcipline appointed be the Kirk, and ratified be the laws of the countrie, to be moft godly and meet for the ruleing of Chrift his Kirk within this Realme.

Thefe of the other opinion came to no particular nomination nor defignation, whereby their difference from fuch as had eftablifhed the difcipline, might be perceived.

For better underftanding of the fecond, the Minifters defired, that diftinction be made betwixt matters ftanding in controverfy among the brethren, [and matters] extra controverfiam in the Kirk, in which cafe they take to be all things concluded in lawfull General Affemblies.

Item, That clear difference might be made betwixt privat brethrens opinions and conceits, (put cafe their numbers be great,) and matters in controverfie in the Kirk; feeing nothing can probably be called a controverfy of the Kirk, but that which has been received as a doubt before in fome General Affemblies, and depends as yet undecided, for there is an order concerning cafes, where the brethren doubt and crave reformation, viz. that fuch matters fhould be proponed to the General Affemblie, ordine

decenter, animo aedificandi, non tentandi; in refpect of the which order, it is no wayes convenient, that the faids Minifters fhould participat in a Conference with their brethrens opinions, different from the judgment of the Kirk; and fyne report the fame to a General Affemblie.

Laftly, Seeing the Affemblie at Linlithgow has directed Commiffion anent matters prefently ftanding in controverfy concerning difcipline, which claws of neceffity muft be referred, either to matters that ftand in controverfy before thatAffemblie, and in the time of it; or els to matters called and received in controverfy before the fame: It was demanded be the faid Minifters, what particular matters either ftood in controverfy, or were called or received into controverfy.

The intention of this their dealing was to fhew, that the Commiffion above written bore no warrant to the faid Commiffioners, either to make particular queftions and controverfies, which had not been heard in General Affemblies of before; or yet to call in controverfie the acts, conclufions, allowed practices, or eftablifhed order of the Kirk. This purpofe was taunted among the Minifters themfelves; and it was alledged, that this form of dealing would be accounted a fhifting of difputation; and fo the blame would lye upon the Minifters.

It was anfwered, it was better to bear the unjuft blame, than to break a whole caufe, which, if it were broken, could not efcape to be hurt, feeing the one partie were 16 or 17, and the other but 9. The other fort, for the party of the Bifhops, termed that form of proceeding tergiverfation, policy, quarelling of the General Affemblie, fruftration of their good intention, &c. Much time and talk were fpent hereabout, and fhoring and boafting; but no clear fatiffaction returned to this demand, and propofitions above fpecified. And fo fomewhat abruptly it was faid, they mett either for fomething, or nothing; and confufedly was caft in, that fome of the brethren had received the conftant Moderators, and others not; fo that was a controverfy of the Kirk, faid they, whether the Moderator fhould be conftant, or circular as they termed it.

Item, Some of the brethren think that the cautions fhould be keeped, and others think that reafon would that fome of them fhould be abolifhed. It is a queftion then, forfooth, whether the cautions fhall be keeped, or not.

It was anfwered to the firft, that the forefaid Affemblie at Linlithgow, wherefra this Commiffion was directed, had expreffly provided, that the advice, given in their Conference at Falkland, fould be obferved till the

nixt General Aſſembly; and true it is, that in that Conference at Falkland, the meeting at Linlithgow, wherein the intended innovation of the Moderatour was begun, was ſpyed; and that matter to be further treated in the enſueing Aſſembly at Linlithgow; which Aſſembly, when it conveened, acquieſced in the advice given at Falkland; ſo that there is no warrand in this Commiſſion to call the accuſtomed and eſtabliſhed order of Moderation in doubt.

Unto the ſecond it was anſwered, that the cautions, after long reaſoning and adviſement had in Preſbytries, Provincial and General Aſſemblies, they were ſolemnly concluded in two Aſſemblies, one at Dundie, another at Montroſe, his Majeſtie being preſent at the one and the other, and as yet ſtand in full force unrepealled, and can no more be called in queſtion be vertue of this preſent Commiſſion, than the acts anent vote in Parliament, or any other acts of the General Aſſemblies.

It was thought meet be the moſt part, that both theſe matters of the Moderation and Cautions ſhould be put in queſtion; and ſo they, that went apart, reentred in the place of Conference; and all being preſent, the Moderator demanded, whither if the ſaid matters ſhould paſs in queſtion, or not. It was anſwered be the moſt part affirmativé, they ſhould; and ſo the queſtion was conceaved, as followeth.

1. Whither in Synods or Preſbytries the Moderation ſhall be conſtant, or not.

2. Whither the cautions ſett doun in the Aſſemblies holdin at Dundie and Montroſe for reſtraining the power of Biſhops, ſhould be obſerved and ſworn to, or not.

Thereafter, the Moderator deſired, that one of either ſide ſhould be named to reaſon theſe two queſtions; but being late, no nomination was made; but thanks given, and ſo that Seſſion ended.

After the diſſolving of that Seſſion, the Miniſters mett be themſelves, and having conferred a little anent the diſſadvantage and danger, be ſuffering themſelves to be ſeparated in that former Seſſion, all were deſired to think that night upon the meeteſt remedy, and tymouſly meet in the morning, which they did.

In that their meeting they concluded, 1. That Mr Patrick Galloway ſhould be ſpeachman, and ſome others to aſſiſt him as need required. 2. That they ſhould ſuffer themſelves no ways to be divided; but whatſomever ſhould be proponed, (although of leſs importance,) they ſhould

take it to be advised be the whole, before that any answer should be returned. 3. That in respect of the members of that Conference, and of the quality of matters called in doubt, that they would no ways dispute but be write.

Sessio 2a. Maij 5, hora 9, ante meridiem.

The aforesaid Commissioners conveened in the morning, in the place before named; and after prayer, the Moderator proponed, that one of either side should be named and appointed to reason the first question. Mr Patrick Galloway being desired to speak, answered, that it was most convenient to reason the matter be writt, for the reasons following: 1. For eshewing of idle and hot speaches, superfluous digressions, and impertinent discourses, whereby brethren might be irritated, and time unprofitably spent. 2. For avoiding of different reports to be made be the brethren of different judgments, after the Conference ended. And, therefor, he required the other partie, that they would shortly and clearly set doun their opinion in articles, touching that matter, and reasons whereby they would confirm the same; promising that the said opinion and reasons should be plainly and brotherly answered, in such succinct forme as was possible they could conceive and express in write.

Many things were objected against that answer and offer; but all objections were answered. And so, the Ministers standing constantly to their resolution, the other party desired that they might advise among themselves anent the premises; unto which desire the Ministers agreed, and removed themselves; and the other partie with his Majesties Commissioners sat still.

After their reentry, the Moderator objected four reasons against writting. 1. The custome of the Kirk of Scotland. 2. The custome of Conferences in other countries, and some Colloquies were named. 3. His Majesties prohibition of writt. 4. Sundry inconveniencies that might follow thereupon, as namely, that the copies would pass abroad, and would come in the hand of enemies, whereby it could not fail, but slander and skaith would come to the cause of religion.

To the first it was answered, that while the Kirk of Scotland had adoe with the Counsel thereof, anent the treating and concluding of the heads of discipline, they gave and received write one from another.

To the ſecond, that the Colloquies named be them had very evill events; and others treated be write, ſpecified be the Miniſters, had better ſucceſs, and made more for the advantage of religion.

As for the cuſtom of countries generally alledged, writt was more uſuall than word, as may be ſeen by [Ambaſſadoris deillings,] learned mens Epiſtles, printed Colloquies, and Traities of all ages.

To the third, It is evident in his Majeſties letter, that his Hienes intention is to ſettle all matters peaceably, and beſide the ſame there is nothing produced: Therefor, writting, whereby jangling of words, hot ſpeaches, and tedious digreſſions ſhall be avoided, is the moſt fitt and ſafe way to come to his Majeſties purpoſe.

To the fourth, In caſe of agreement, interchanged papers may be riven or burnt; and the concluſions agreed upon only put in write to remaine. If they can no wiſe agree, whatſoever ſhall paſs in write may be, with conſent of all, deſtroyed.

And after theſe anſwers, the Miniſters concluded, that reaſoning by word, without a Judge, could not poſſibly be had without tumult in the time of treaty, and different and contradictorious reports after breaking up of the meeting; whereby the preſent diſtractions would be augmented, and the cauſe of religion farther prejudged, Papiſts and all ſorts of enemies, wiſhing, working and watching for diviſion among Miniſters, ſo far as they may.

The matter being thus ſtand to be the Miniſters, ſome ſpeaches of terrours was given out; and thereafter the Moderator proponed, that a ſhort hiſtory might be ſett doun, with all conſents, of that meeting, and the proceedings therein, to ſome ſuch effect as followeth: That the Commiſſioners mett, the Commiſſion was read, two queſtions were agreed upon. They for the part of the Biſhops offered to diſput thereupon; and the Miniſters refuſed. The Miniſters deſired the laſt point to be mended after this manner; that they for the Biſhops offered to reaſon be word, and refuſed writt; and the Miniſters were willing to reaſon be writt: but when they ſhould be before a General Aſſembly, Judge ordinar in ſuch matters, they ſhould be ready to reaſon be word or writt, as it ſhould pleaſe the Aſſembly to injoyne; but here they could not reaſon be word, becauſe they wanted a Judge. This was refuſed, and ſo no hiſtory was agreed on: But the Moderator deſired that his Majeſties letter, and the Commiſſion being laid aſide, either of the parties would adviſe upon ſome overtures for the peace

of the Kirk; and for reporting thereof, three after noon was appointed for all to meet again. Thus, after thanks giving, the Commiſſioners roſe.

Immediately after dinner, the Commiſſioners conveened be themſelves, and after conſultation agreed upon four articles as follows:

1. That a declaration ſhould paſs from this Conference to be publiſhed in the Kirk of Scotland, proporting, that the Kirks within this realm are well conſtituted in doctrine and diſcipline, praiſed be God; and that the diſcords and differences among the Miniſters anent the one and the other, aggredged and given out be Papiſts, Atheiſts, and other enemies, are but ſlanderous calumnies tending to ſedition, and to deceive the ſimple.

2. That the handling of the diſcords and differences among the Miniſters be laid aſide and ſpaired; and the ſaid differences covered under the ſkirts of brotherly patience and chriſtian wiſdom, while firſt Papiſts and Papiſtrie be proceeded againſt, and put to a point.

3. Seeing the matter of Biſhoprick and Hierarchie cannot be handled at this time, but with advantage to Papiſtry and Papiſts, and diſadvantage to the eſtabliſhed order of this Kirk, which has been a ſpecial mean, whereby they and their kingdom have been diſſipated and overcome; that purpoſe would be ſuperceded, till the land were purged of them and their leaven.

4. That an humble ſupplication ſhould paſs from this Conference to his Majeſtie, for grace and favour to the Miniſters that have been ſo long baniſhed, keeped in priſon, and confined; namely, that they may be relaxed, ſett at liberty, and returned to their places.

Seſſio 3a. Eodem die, hora tertia, poſt meridiem.

The whole Commiſſioners mett in the place above ſpecified; and, after prayer, the Moderator required the Miniſters to preſent their advice, as was appointed before noon. And Mr Patrick Galloway preſented the articles above written, which were read; and after the reading thereof, ſome freated, and preſſed to ſpeak; but authoritativé be the Moderator and ſome others, that vehemency was keeped at under, and ſilence was commanded. Thereafter the advice of the other party was read, and all demanded, what they thought of it. Little ſaid for it, and nothing againſt it. The Moderator deſired the Miniſters to take up their articles; which being done, the concluſion after following was agreed upon.

At Falkland, the fift of May 1609.

The brethren conveened, having read the Commiſſion givein to them be the General Aſſembly, and conſidering the generality therof, and how it is needfull, for ending of all controverſies ſtanding in diſcipline among the Miniſtry, that the particular points in queſtion be condeſcended upon, have, for the preſent, agreed upon two, viz. Whither in Synods or Preſbytries the Moderators ſhould be conſtant, or not: And whither the Cautions ſett doun in the Aſſemblies holden at Dundee and Montroſe for reſtraining the power of Biſhops, ſhould be holden, and ſworne unto, or not. Which two queſtions being proponed, becaus neither the brevity of time permitts, nor is it, for divers cauſes, thought expedient to enter in reaſoning thereof at this preſent, the brethren continue all treating of the ſame till the firſt Tueſday of Auguſt nixt to come, appointed for their meeting to that effect in Stirling: Willing and commanding every one of the ſaid brethren to adviſe and conſider gravely on the ſaid queſtions, and all points thereof; and to be ready at their ſaid meeting to propone their mindes either be word or write, as they ſhall think fitteſt; and farther to ſett doun in write all the differences, which they conceive in the matter of diſcipline, that ſome ſolid courſe may be taken with common conſent, for removing the ſame.

In the mean time, it is thought expedient, be the conſent of the whole number, that the General Aſſembly be prorogued till the firſt Tueſday of May nixt to come, to be holden at Sanct Andrews, if it ſhall pleaſe his Majeſtie; that theſe affaires being brought to ſome point, report may be made, according as is ordained in the ſaid Commiſſion.

And becaus his Majeſties moſt zealous care for the good peace of the Kirk, and the ſuppreſſing of Papiſts and all contrary religions, does ſo many wayes appear, that we have all exceeding great matter of thanks to be given to the Almighty God, for the bleſſing beſtowed upon this Kirk in his Majeſties perſon: It is found meet, that a letter of humble thanks be written from this Conference to his Majeſtie, and that, in all congregations of this kingdom, declaration be made be every Miniſter of his Hienes good affection and reſolved mind to ſettle the Kirk in peace and truth, and to free the ſame of all the enemies, and their pernitious practices; and that

publick thankes be given to God for his mercies, and prayers conceived for happy progrefs of his Majefties purpofe.

As alfo, the brethren knowing the great dangers, that the Kirk ftandeth in, through the enemies of religion, have thought meet to recommend to all the Minifters and Prefbytries in this realme a carefull proceeding againft Papifts, and fuch [as remaine fufpect in religioune; and that they be diligent to lairne] of the ftrangers that refort from forrain parts, and to make intelligence to his Majefties Commiffioner, the Earle of Dumbar, or fuch other of his Hienes Counfel as they are beft acquainted with, that they know zealous of Gods truth, and faithfull to his Majeftie: And, above all things, that they and every one of them intertain peace, friendfhip and brotherly love with others; laying afide all jealoufies, fufpitions and other prejudices; and that they communicat their counfels and helps to the advancing of religion, and eftablifhing a good and folid agreement in the Kirk; which the brethren prefent for themfelves have folemnly promifed: and likeways to labour others to the fame as far as they can, that God may have the glory, and his moft excellent Majeftie fatiffaction and contentment in all things.

This conclufion and his Majefties letter being written and fubfcribed, the Moderator gave thanks to God in the place where they mett.

Mr William Couper being requeefted by his Majefties Commiffioner and fome of the brethren, went to the Kirk of Falkland, and all that were there with him. He made an exhortation and thankfgiving upon the laft three verfes of the 74 pfalme; and thereafter the 133 pfalme was fung, and thus all were difmiffed.

. . . . . .

A Commiffion given under the great feal to the two Archbifhops, to hold two courts of High Commiffion, was proclaimed at the Crofs of Edinburgh, in March, 1610: The tenor whereof followeth.

James, be the grace of God, King of Great Brittane, France, and Ireland, Defender of the Faith, To our lovites, &c. Meffangers and Shireffs in that part, conjunctly and feverally, fpecialy conftituted, greeting. For as much as complaint being made to us in behalf of the Miniftry of this our Kingdom, that the frequent advocations purchafed be fuch as were either

erroneous in religion or ſcandalous in life, not only diſcouraged the Miniſtry from cenſuring of vice; but emboldened the offenders to continue in their wickedneſs, uſeing their advocations as a mean to delay and diſſappoint both tryall and puniſhment: We, for eſchewing of this inconvenient, and that the number of true profeſſors may be known to increaſe, the Antichriſtian enemy and his grouth ſuppreſſed, and all ſorts of vice and ſcandalous life puniſhed; and that neither iniquitie, nor delay of tryall and puniſhment, be left be this ſubterfuge of diſcouraging of Eccleſiaſtical cenſures to proceed on things ſo meet and proper for them, have, out of our duty to God and love to his Kirk, being the nurſe father of the ſame on earth, within our dominions, given power and commiſſion to the Reverend Father in God, and our truſty and well beloved Counſellor, George Archbiſhop of Sanct Andrews, Primat and Metropolitan of our kingdom; and to our right truſty cuſine and counſellor, Alexander Erle of Dumfermling, Lord High Chancellor of this our kingdom; George Erle of Dumbar, Treaſurer; George Erle of Merſchall, John Erle of Marr, John Erle of Montroſe, Patrick Erle of Kinghorn; to the Reverend Fathers in God, Alexander Biſhop of Dunkelden, Peter Biſhop of Aberdeen, Alexander Biſhop of Murrey, Andrew Biſhop of Brechin, David Biſhop of Roſs, George Biſhop of Dumblain, Alexander Biſhop of Cathneſs, and James Biſhop of Orkney; to our truſty Cuſines and Counſellors . . . . . Lord Lindſay, Simon Lord Frazer of Lovat, David Lord of Scoon; and to our truſtie and well beloved Counſellers, Mr John Preſton of Pennycook, Preſident of our College of Juſtice; Sir David Cockburn of Clerkingtoun, Knight, Lord Privie Seal; Sir Alexander Hay, Knight, our Secretar; Sir James Hay of Kingaſk, Comptroller; Sir Thomas Hamilton of Binnie, Knight, our Advocate; and to our Lovites, Sir David Carnagie of Kinnaird, Knight, . . . Dundas of that ilk, Alexander Irving of Drum, . . . Ramſay of Balmany, Mr John Arthur, Mr Thomas Henderſon, Mr Adam King, and Mr James Bannatyn, Commiſſarys of Edinburgh; Mr John Weymes, Commiſſar of Sanct Andrews; Mr James Martin, Rector of the Univerſity of Sanct Andrews; Mr Robert Howie, Principal of the New College there; Mr David Monipennie, Dean of Faculty; Mr Patrick Galloway, Mr John Hall, Mr Peter Hewat, Mr John Mitchelſon, Mr Robert Wilkie, Mr John Strauchan, Mr Andrew Leitch, Mr Hendry Philp, Mr Arthur Futhie, and Mr Patrick Lindſay, Miniſters; or to any five of them; the ſaid Archbiſhop being always one, within the

whole bonnds of the Province of Sanct Andrews: And to the Reverend Father in God, and our trufty and well beloved Counfeller, John Archbifhop of Glafgow, Alexander Erle of Dumfermling, George Erle of Dumbar, John Erle of Caffils, James Erle of Glencarne, John Erle of Wigtoun, James Erle of Abercorn: And to the Reverend Fathers in God, Gawin Bifhop of Galloway, John Bifhop of Argyle, Andrew Bifhop of the Ifles; and to our trufty coufine and counfeller, Walter Lord Blantyre; and to our lovits, Mr John Arthure, Mr Thomas Henryfon, Mr Adam King, Mr James Bannatyne, Commiffars of Edinburgh; David Forfyth, Commiffar of Glafgow; Mr James Halyday, Commiffar of Dumfries; Mr John Hamilton, Commiffar of Hamilton; Mr James Hamiltoun, Commiffar of Lanerk; Sir George Elphinfton of Eaftwood, Knight; Mr Patrick Sharp, Principal of the College of Glafgow; Mr William Birnie, Minifter of Lanerick; Mr John Hay, Parfon of Ranfrew; Mr James Hamiltoun, Dean of Glafgow; Mr David Sharp, and Patrick Walkinfhaw, Subdean of Glafgow; Mr Thomas Ramfay, Minifter at Dumfries, Mr John Bell, Minifter at Glafgow, and Mr Walter Steuart, Minifter at . . ; or any five of them, the faid Archbifhop being always one of them, within the whole bounds of the Province of Glafgow: To call before them, at fuch times and places as they fhall think meet, any perfon or perfons dwelling and remaining within the Provinces refpectivé above writen of Sanct Andrewes, of Glafgow, or within any Dioceis of the fame, being offenders either in life or religion, whom they hold any ways to be fcandalous; and that they take tryal of the fame; and if they find them guilty and impenitent, refufing to acknowledge their offence, they fhall give command to the Preacher of the parifh where they dwell, to proceed with fentence of excommunication againft them; which if it be protracted or delayed, and their command be that Minifter be not prefently obeyed, they fhall conveen any fuch Minifter before them, and proceed in cenfuring of him for his difobedience, either by fufpenfion, deprivation, or warding, according as in their difcretion they fhall hold his obftinacy and refufal of their direction to have deferved; and farther, to fyne at their difcretions, imprifon or ward any fuch perfon, who being convicted before them, they fhall find upon tryall to have deferved any fuch punifhment; and a warrand under the hand of any five above named, of every Province refpectivé above written, the faid Archbifhop of the Province being one, fhall ferve for a fufficient command for the Captains and Conftables of our wairds and

caſtles, and to all keepers of jayles or priſons, either to burgh or land, within any part of the Provinces respectiué above written, for receiving and detaining ſuch perſons as ſhall be unto them directed to be keeped be them, in ſuch forme as be the ſaid warrand ſhall be preſcribed, as they will anſwer upon the contrair at their perrill: and of all ſuch fynes as ſhall be impoſed on any offender, the one half to pertain unto ourſelf, and the other half to be imployed upon ſuch neceſſary things as our ſaid Commiſſioners ſhall be forced unto, by charging of parties and witneſſes to compear before them; and the ſuperplus to be beſtowed at the ſight of the ſaid Commiſſioners be diſtribution among the poor: Commanding the Lords of our Privie Counſel, upon ſight of any certificat ſubſcribed be any fiue of the ſaid Commiſſioners within every Province, as ſaid is, the ſaid Archbiſhop of the Province being one, either of any fine impoſed be them upon any partie compearing and found guilty, or of the contumacy and refuſal of any to compear before them, that the ſaid Lords of our Privie Counſel direct a ſummar charge of horning upon ten dayes only; and that no ſuſpenſion or relaxation be granted, without firſt a teſtificat under the hand of the Archbiſhop of the Province, containing the obedience and ſatiſfaction of the party charged, be produced; and in caſe of farther diſſobedience or rebellion of the party who ſhall be charged for his fyne or not compearance, the ſaids Lords of our Counſel are then to proſecute the moſt ſtrick order, as is uſual againſt rebells, for any other cauſe whatſomever. With power to our ſaids Commiſſioners to proceed herein, as alſo to take tryall of all perſons that have made defection, or otherways are ſuſpected in religion; and as they find any juſt cauſe againſt them, to proceed in manner foreſaid: and als whenſoever they ſhall learn or underſtand of any Miniſter, Preacher, or Teacher of Schools, Colleges, or Univerſities, or of exhorting or lecturing Readers, within theſe bounds, whoſe ſpeeches in publick have been impertinent, and againſt the eſtabliſhed order of the Kirk, or againſt any of the concluſions of the bypaſt General Aſſemblies, or in favour of any of theſe who are baniſhed, warded, or confined for their contemptuous offences; all ſuch being no matter of doctrine, and ſo much idle tyme ſpent without inſtruction of their auditory in their ſalvation, ought ſo much the more ſeverely to be puniſhed; in regard that they are Miniſters, who of all others ſhould ſpend leaſt idle talk, and ſpecially in the chair of verity: and, therefor, after the calling of them before ſaid Commiſſioners, they are to be queſtioned and tryed upon the points of that

which is to be laid againſt them, and puniſhed according to the quality of their offence: And whereas complaints ſhall be made unto them be any party that ſhall be conveened before any Eccleſiaſticall Judicatory for any ſuch crime as he ſhall be then ſuſpected of, or that the partie doeth alledge alwayes the matter itſelf to be improper to that Judicature, or the proceeding to have been informal, or that the Judicature itſelf has been too partial; and when the Commiſſioners ſhall ſee any juſt cauſe, they are then to take tryal and cognition thereof unto themſelves, and to diſcharge the ſaid Judicature of all farther proceeding: Giving power alſo to our ſaid Commiſſioners to make choiſe of a Clerk, and other members of Court; and to direct out precepts in name of the ſaid Archbiſhop, and his aſſociats within every Province, for citation of any parties before them, within the bounds of the ſaid Provinces, in any of the ſaid cauſes above mentioned; which precepts are to be ſealed with a ſpecial ſeal, containing the armes of the ſaid Biſhoprick: giving alſo power to charge witneſſes to compear before them, under the pain of forty pounds ſcots money; and upon the certificat of the ſaid Commiſſioners, that any of the ſaid penalties are incurred be them, the ſaid Lords of our Counſel are to direct the like charges for payment of the ſame, as is appointed for payment of the ſynes in the ſaid Commiſſion paſt our Great Seal, containing diverſe other heads, clauſes, articles, and conditions, and bearing date at our Court at Royſtoun, the 20 of Januar laſt, at length is contained: wherof neceſſar it is that publication be made to all our lieges, that none pretend ignorance thereof. Our will is herefor, and we charge you ſtraitly, and command, that incontinent theſe our letters ſeen, ye paſs to the ſaid burghs within the Provinces above written, and there be open proclamation, that ye make publication of the premiſſes, that none pretend ignorance: And als, that ye, in our name and authority, command and charge all our lieges and ſubjects to reverence and obey our ſaids Commiſſioners in all and every thing tending to the execution of this our Commiſſion; and to doe nothing to their hinder or prejudice, as they and ilk one of them will anſwer to us and our Counſell, upon their obedience, at their higheſt paine, charge, and perrill. The which to do, &c.

Given under our Signet at Edinburgh, the 15 day of Februar, and of our reigne the 47 year, 1610.

Per Actum Secreti Conſilij.

THE KINGS MISSIVE.

Truſtie and well beloved, we greet you well. Albeit we juſtly fearing the diſorders that might ariſe in the General Aſſembly appointed to be holden at Sanct Andrewes, the day of May next, be reaſon of the differences now in the Church for matters of diſcipline, did be our Letters, publiſhed in Februar laſt, deſert the ſaid meeting; and ſpecialy declared, that it was not our mind to appoint any new Aſſembly, before we were well aſſured of the peacable inclination of theſe of the Miniſtry, who ſhould meet and conveen therat: Yet having been lately advertiſed of great confuſion ariſeing in the Church, by reaſon of the looſe and unſettled government which is therein, and being intreated be ſundry of our good ſubjects, Biſhops, Miniſters and others, for licence to ſome general meeting of the Church, wherein hope is givin us, that ſome good courſe by common conſent ſhall be taken for redreſs of all unorders, and the diviſion of minds, that has ſo long continued among the Miniſtry, to the great ſcandal of their profeſſion, ſhould ceaſe and be extinguiſhed, we have been pleaſed to yield to their requieſts, and granted liberty for a General Aſſembly to be holden at Glaſgow, the 8th day of June next: And, therefor, we will and require you to make choiſe of the moſt wiſe, diſcreet, and peaceably diſpoſed Miniſters among you, to meet and conveen the ſaid day and place, inſtructed with ſufficient commiſſion from the reſt, as in other Aſſemblies you have been accuſtomed; and to adviſe anent the excommunicated Erles, what order ſhall be taken with them for their ſatiſfaction of the Church; anent the late erections, to communicat to our Commiſſioners the eſtate of every church within any of the ſame, the maintainance allowed thereto; an overture for ſupplying the churches, which are not ſufficiently provyded; and what is the beſt courſe to be taken for the ready payment of the Miniſters, ſo as they be not diſtracted from their charge, and forced to attend the Law for diſcuſſing of ſuſpenſions, and ſuch like queſtions ariſeing thereupon: in which point we have had many grievous complaints from diverſe of the Miniſters there, and underſtood our good purpoſe touching them and their maintainance to have been wonderfully croſſed; and that they be ready to give their beſt opinion in all the former points, and in every thing elſe that ſhall be demanded of them for the good peace of the Church. And becaus by our Letters we have particularly acquainted the Archbiſhop

of Sanct Andrews of our purpoſe herein, and ſent unto him a ſpecial note of the names of ſuch as we deſire to be at our ſaid meeting; it is our pleaſure, that you conform yourſelves thereto, and make choiſe of the perſons that we take to be fitteſt for giving advice in all matters: wherein ye ſhall doe us acceptable ſervice. We bid you farewell.

From our Court at Whitehall, the firſt of Aprile, 1610.

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The Biſhop of Sanct Andrews Letter to the Preſbytrie of Chirneſide.

Grace be multiplied unto you.

Beloved Brethren, after my heartie commendations in the Lord, I have received a Letter from the Kings Majeſtie anent the direction of Commiſſioners to the approaching General Aſſembly. And to the effect ye may underſtand my Commiſſion to you for that effect, and the Kings Majeſties pleaſure, I thought good, as having credit of his Majeſtie in theſe matters, to ſhew to your Moderator the authentick Letter that has proceeded from his Majeſties hand, and to ſend to you the note of the perſons, whom his Majeſtie has thought fitteſt for that work. This I beſeech you, ſince our Preſbytries in Fife, and, as I hear, the Preſbytrie of Edinburgh hath agreed to the Kings deſire, that ye will not fail to ſend a free, voluntary Commiſſion with theſe brethren, who have alſo received their ſeveral Miſſives from the Kings Majeſtie, that ye ſeem not to be ſingular, and refractorie to reaſonable petitions. I hope, that this my counſel ſhall be well accepted of you: and ſince ſuddane and willfull concluſions haue wrought ſuch bitter effects, I hope, ye will not provock the Kings Majeſtie to wrath, without any neceſſary occaſion. Thus I beſeek God to bleſs you all with the ſpirit of truth and love to the end.

Edinburgh, the 28 of May, 1610.

Your loving and aſſured Brother,

SANCT ANDREWS.

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A.D. M.DC.X.

The Generall Affemblie of the Kirk of Scotland halden at Glafgow, the 8 of Junij 1610 years, quher was prefent,

[THE KINGS COMMISSIONERS.

The Earle of Dumbar.
The Archbifhop of Sanct Andrews.
My Lord Prefident.
My Lord Secretarie.

OF THE NOBILITY.

Earles Montrofe.
Glencarne.
Cathnefs.
Wigtoun.
Kinghorne.
Abercorne.
Lothian.

Lords Lindfey.
Scoone.
Blantyre.
Kintail.
Mr of Tillibartine.
Comptroller.
Kilfyth.

OF THE MINISTERY.

ORKNAY.

Bifhop of Orknay.
Robert Stewart.
Mr Patrick Waterftoun.
William Hair.
Mr Andrew Difhingftoun.

CATHNESS.

Bifhop of Cathnefs.
Mr William Pope.
Thomas Paipe.
James Gray.
Mr Andrew Ogfbwie.

ROSS.

Mr George Monro.
Mr Robert Rock.

MURRAY.

Bifhop of Murray.
Mr James Dundas.
Mr Thomas Dundas.
Mr Patrick Dundas.
Mr William Clogie.
Mr Alexander Raufon.
Mr William Reid.

ABERDEEN.

Bifhop of Aberdeen.
Mr David Rait.
Mr Archibald Bleckburne.
Mr Robert Burnet.
Mr John Logie.
Mr John Reid.
Mr John Garein.
Mr Robert Merfer.
Mr Abraham Sibbald.
Mr George Hay.
Mr James Hay.
Mr Robert Maitland.
Mr John Strauchan.
Mr Robert Rofs.
Mr Robert Reid.
Mr Alexander Guthrie.

MERNES.

Mr Andrew Ramfay.
Mr James Rait.
Mr Adam Walker.

BRECHEN.

Bifhop of Brechen.
Mr Dugul Campbel.
Mr Andrew Leitch.
Mr Richard Mercheftoun.
Mr James Elliot.

ARBROTH.

Mr Arthure Futhie.
Mr Patrick Lindſey.
Mr Andrew Drummond.
Mr Henrie Phillip.
Mr John Guthrie.

DUNDIE.

Mr David Kineir.
Mr Robert Rynd.

MEEGLE.

Mr Henrie Guthrie.
Mr Alexander Kinninmouth.
Mr David Brown.

PERTH.

Mr William Couper.
Mr Archibald Moncreife.

DUNKELDEN.

Biſhop of Dunkelden.
Mr Silveſter Ratray.
Mr James Menzies.
Mr Alexander Ireland.

AUCHTERARDER.

Mr James Burdoun.

STIRLINE.

Biſhop of Dumblane.
Mr William Stirline.
Mr William Narne.

SANCT ANDREWS.

Archbiſhop of Sanct Andrews.
Mr David Monipennie.
Mr William Murray.
Mr Simeon Durie.

UNIVERSITIE.

Mr Robert Howie.

COUPER.

Mr James Martine.
Mr Robert Buchanan.
Mr John Caldcleugh.
Mr Thomas Douglas.

KIRKALDIE.

Mr John Mitchelſon.
Mr William Murray.
Mr Alan Lawmonth.

DUMFERMLINE.

Mr James Stewart.
Mr Andrew Forreſter.
Mr William Paton.

EDINBURGH.

Mr John Hall.
Mr Peter Hewat.
Mr Michael Cranſtoun.

LINLITHGOW.

Mr Robert Cornwal.
Mr Alexander Keith.
Mr Robert Gilmour.
Mr Thomas Peebles.

DALKEITH.

Mr Patrick Tournour.

HADINGTOUN.

Mr James Carmichael.

DUMBAR.

Mr Edward Hepburne.
Mr John Lauder.
Mr Thomas Hepburne.

PEEBLES.

Mr James Logan.
Mr Robert Levingſtoun.

CHIRNSIDE.

Mr John Clappertoun.

DUNSE.

. . . . .

KELSO.

Mr James Knox.
Mr Thomas Storie.
Mr John Balfour.

GLASGOW.

Archbiſhop of Glaſgow.
Mr Patrick Sharpe.
Mr John Bell of Glaſgow.
Mr Andrew Boyd.

PAISLEY.

Mr John Hay.
Mr Archibald Hamiltoun.
Mr William Birſtoam.
Mr George Maxwel.

DUMBARTON.

Mr Walter Stewart.

HAMILTOUN.

Mr Thomas Muirhead.
Mr James Hamiltoun.
Mr David Sharp.
Mr John Howiſon.

LANERK.

Mr William Birnie.
Mr John Lindſey.
Mr Robert Wilkie.

AIR.

Mr Peter Prymroſe.
Mr John Makcorne.
Mr William Wallace.

IRWING.

Mr Alexander Scringeour.
Mr Michael Wallace.

DUMFREIS.

Mr Thomas Ramſay.
Mr Robert Huntar.
Mr Robert Henriſon.
Mr Simeon Johnſtoun.

KIRKCUDBRIGHT.

Biſhop of Galloway.
Mr John Aikman.
Mr William Hamiltoun.
Mr Robert Glendinning.
Mr James Donaldſon.

WIGTOUN.

Mr James Adamſon.
Mr John Watſon.
Mr George Kinnard.

ARGILE.

Biſhop of Argyle.
Mr John Cameron.
Mr Donald Makilrorie.
Mr Neil Campbell.
Mr John Makcallum.
Mr Nicol Makcalman.

ISLES.

Bifhop of the Ifles.
Mr Patrick Stewart.
Mr Robert Stewart.

OF BARONES.

Drumlanrig.
Glenurquhie younger.
Wauchtoun.
Bombie.
Northberwick.
Calderwood.
Balnamoone.
Minto.
Balmaine.
Gairntullie.
Duntreith.
Mr Samuel Cockburne.
Sir George Elpingftoun of Blytfwoode.

OF BURROWES.

EDINBURGH.

Edwart Ker. Mungo Makcal.

PERTH.

Gawin Dalyel.

DUNDIE.

Mr William Ferguſon.

ABERDEEN.

Alexander Rutherfurde.

SANCT ANDREWS.

John Knox.

GLASGOW.

James Forfeft.

Seffio 1a 8 Junij.

Exhortation being made by James Bifhop of Orknay, Moderator of the laft Affembly, the Commiffioners, after their accuftomed manner, proceeded to the election of the Moderator of this prefent Affembly. The leits being nominat, John Archbifhop of Glafgow, Mr Patrick Sharpe, Mr Patrick

Lindſey, and Mr John Mitchelſon; by plurality of votes John Archbiſhop of Glaſgow was choſen Moderator hac vice.

Thereafter, according to the accuſtomed order, Aſſeſſors were choſen to conveen with the Moderator in the Privie Conference, for treating of ſuch things as are to be concluded in the Aſſembly: They are to ſay, the Kings Majeſties Commiſſioners, with the Biſhop of Orknay, the Biſhop of Cathneſs, Mr William Paip, Mr George Monro, the Biſhop of Murray, Mr James Dundas, Mr Alexander Rauſon, the Biſhop of Aberdeen, Mr John Strauchan, Mr George Hay, the Biſhop of Brechen, Mr Patrick Lindſey, Mr Andrew Leitch, Mr Arthure Futhie, Mr James Martine, Mr David Monipennie, Mr Robert Howie, Mr John Mitchelſon, Mr William Murray Parſon of Dyſert, the Biſhop of Dunkelden, Mr Archibald Moncreiſe, Mr William Couper, Mr Alexander Ireland, the Biſhop of Dumblane, Mr Peter Hewat, Mr John Hall, Mr Michael Cranſtoun, Mr Edward Hepburne, Mr Robert Cornwall, Mr James Carmichael, Mr John Clappertoun, Mr James Knox, Mr Thomas Storie, Mr William Birnie, Mr Thomas Muirheed, Mr Patrick Sharpe, Mr Andrew Boyd, Mr John Hay, Mr Alexander Scringeour, Mr Michael Wallace, the Biſhop of Galloway, Mr James Adamſon, Mr Thomas Ramſey, the Biſhop of Argile, the Biſhop of the Iſles, and Mr Neil Campbell.

The hours appointed for meeting of the Privie Conference, are ſeven hours in the morning, and two hours afternoon; and for the Aſſembly, nine hours in the morning, and three hours afternoon.

Commiſſioners appointed for reading and anſwering of the bills, are Mr Henrie Phillip, Mr John Reid, Mr Robert Buchanan, Mr Thomas Hepburne, Mr Walter Stewart, Mr Robert Henriſone, Mr Silveſter Ratray.

Seſſio 2a. Eodem die.

The which day the Earle of Dumbar, one of his Majeſties Commiſſioners, after he had made open declaration of his Majeſties good minde and zealous intention towards the eſtabliſhing of a good, ſolid and perfect order in the diſcipline of the Kirk in this realme; in the which there were ſundrie points, which his Majeſtie would have reformed; the reformation whereof doth moſt properly appertain to his Highneſs, in reſpect of his royal au-

thoritie and duty, wherein his Majeſtie is bound to God Almighty to provide, that the eſtate of the Kirk within his dominions ſhould be ſettled as well in Deſcipline, as in Doctrine, according to the Word of God; to the effect that, the ſame being once ſolidly ſettled, the true Word of God may be purely and ſincerely preached to his Highneſs ſubjects; and the diſcipline of the Kirk, once wiſely and diſcreetly ſettled, may be inviolably obſerved in all tymes coming. Thereafter he produced his Majeſtys Letter directed to this preſent Aſſembly, whereof the tenor followeth.

Right Reverend Fathers in God, Right truſtie and welbeloved Couſins, Counſellours, and others our truſtie and loving ſubjects, as well Miniſters as Laity, preſently met and conveened in this Aſſembly, We greet you well. If the moſt ſharp cenſure were taken of every one his particular affection to the religion profeſſed, we might very juſtly boaſt, without oſtentation, of our ever continued conſtancie, praiſed be God, notwithſtanding of both the allurements, as alſo the threatnings of the adverſarie, and of the miſbehaviour, yea the pride, and often treaſonable contempts of ſome of our ſubjects of the ſame profeſſion; ſo that none, unto whom either our by paſt life hath been known, or to whom our preſent actions are notour, but they without doubt will reſt fully perſuaded hereof; ſince we have now openly declared ourſelves to be the Principal Oppoſits on earth to the Antichriſtian enemie, againſt whom to our laſt breath, without reſpect of hazard, we do intend to maintain and defend the truth profeſſed. And as it hath pleaſed God in his mercie to appoint us to be the Nouriſh Father of his Church here on earth, within our dominions, ſo do we intend ever to be moſt careful for ſetting forward all ſuch things, which may advance his glory, and breed quietneſs and peace in the Church; unto which nothing hath been ſo great an enemie as the want of order and government, without which no bodie or eſtate, either eccleſiaſtical or civil, can ſubſiſt. And howſoever the ſingularitie of ſome did, for a certain ſpace, maintain, either by wilfulneſs or ignorance, a ſort of headleſs government; yet ere long it did kyth what inconvenience and harm might enſue to the Church, and advancement of the Goſpel, by any longer continuance thereof: which moved us, during our ſtay there in our own perſon, to take ſo great pains for finding remedie to this, which otherways had kithed ſo incurable a canker, being permitted to have had any farther progreſſe: And, therefore, at that time willing to do things rather by conſent, than

abſolutely out of our royal power and authoritie, (which alſo is very lawful, and granted to us by God himſelf,) we thereupon not only aſſiſted and countenanced ſundrie Aſſemblies of that Church by our own preſence; but have cauſed others be conveened ſince our departure from thence, having to our great coſt and charges procured alſo maintenance, ſufficient in ſome reaſonable ſort, for the Fathers of the Church; and have directed order to be taken for the plantation of Churches void: as likewiſe, in ſo far as the eccleſiaſtick juriſdiction by ſecular perſons was incroched upon, we have put alſo remedie thereto: So as we did fully hope, that before this time, the Church thereupon, apprehending and perceiving errours paſt, in ſuffering that anarchie amongſt them to keep ſo long continuance, ſhould have reſolved and concluded, and therewith have become ſuiters and ſoliciters unto us, for eſtabliſhing of that government and rule, which is moſt fit and allowed of, in former times in the Primitive Church: ſo that things ſhould not be left ſtill in uncertainty, by reaſon of the diviſion and diſtraction of minds among yourſelves, by which, to your own knowledge, both the common enemie hath increaſed, and ſinne and wickednes remain unpuniſhed. But whether the default be in the Fathers of the Church, their unwillingneſs, or unworthineſs, to do and perform what in dutie belongeth unto them; or in the factious ſingularitie of others of the meaner rank, (who do perhaps preſume of their greater credit by keeping things in confuſion:) and we not being fully acquainted with the true cauſe, and yet in our dutie to our God, as being his Lieutenant here, holding ourſelves juſtly bound not to ſuffer this ſort of lingering, in a matter of ſuch moment, have thereupon thought expedient to call this preſent Aſſembly, not ſo much for neceſſitie as that any thing is to be moved, whereunto your conſent is much requiſit; but that our true affection to Gods glory, and advancement thereof, and to the peace and well of the Church, being declared and manifeſted, you may try the more inexcuſable, for not urging that good to the Church, which we do intend for it without your conſents, if we finde a ſlow concurrence upon your part; and yet hoping, that your forwardneſs will remove all opinion, which may be conceived either of unwillingneſs, or oppoſitions to our ſo godly intentions: and having referred the particular imparting of our farther pleaſure and minde herein, to our right truſtie and right welbeloved Couſine and Counſellour, the Earle of Dumbar, and the right reverend Father our right truſtie Counſellour, the Archbiſhop of Sanct Andrews, (both of whom we have directed as our Commiſſioners to this

preſent Aſſembly, and whom we will you credit and truſt,) and intending upon their reports to take ſpecial notice of every ones affection, and forwardneſs in this ſervice, and thereupon to acknowledge and remember them hereafter, as any fit occaſion for their good ſhall occurre: We commit you and your actions, with the good ſucceſſe of the buſineſs, to Gods good guiding; and bid all of you right heartily farewel.

From our Court at Thetfurde, the eight of May, 1610.

After the reading of which his Majeſties letter, the Aſſembly thought it moſt expedient, that the brethren, appointed to be on the Privie Conference, ſhould conveen the next day in the morning, and privatly among themſelves after reaſoning adviſe upon ſuch heads of the Diſcipline of the Kirk, as they ſhould think to have need to be reformed, for giving his Majeſty ſatiſfaction in that point.

Seſſio 3a. 9 Junij, poſt meridiem.

The which day, the whole Aſſembly being conveened, the brethren appointed for the Privie Conference, by the mouth of the Moderator, declared that after long deliberation they had agreed upon certain heads concerning the ſpecial points of Diſcipline, within the Church of this realme, for ſatiſfaction of his Majeſties will, contained in his Highneſs letter, which was thought expedient to be read openly to the whole Aſſembly, whereof the tenor followeth. C.]

Followes the Heids and Articles concerning the Diſcipline of the Kirk, to be obſervit in all tyme comeing.

In the firſt, It is declairit that the alledgit Aſſemblie haldin at Aberdein, is null in the ſelfe, ſpeciallie in reſpect it had not his Majeſties allowance, and was diſchargit be his Commiſſioner.

And becauſe the neceſſitie of the Kirk craves, that for ordour taking with the commoun enemy, and vther affaires of the Kirk, ther ſalbe ȝeirlie Generall Aſſemblies, the indictioun quherof the Aſſembly acknowledges to appertaine to his Majeſtie be the prerogative of his royall crowne; and, therefore, the Generall Aſſemblie moſt humblie requeiſts his Majeſtie, that

General Aſſemblies be haldin once in the ȝeir; or at leiſt, in reſpect of the neceſſities foreſaid, that his Majeſtie wald appoint a certaine tyme, at the quhilk the ſamein ſalbe haldin in all tyme comeing.

Item, It is thought expedient, that the Biſchops ſalbe Moderatours in every Dioceſian Synod, and the Synods ſalbe haldin twyſe in the ȝeir of the Kirks of every Dyocie, viz. in Apryle and October. And quher the Dyocies are large, that ther be two or thrie Synods in convenient places, for the eaſe of the Miniſtrie.

Item, That no ſentence of excommunicatioun, or abſolutioun therfra, be pronouncit againſt or in favours of any perſon, without the knowledge and approbation of the Biſchop of the Dyocie, quho muſt be anſuerable to his Majeſtie for all formall and vnpartial proceidings therin; and the proces being found formall, the ſentence to be pronouncit at the directioun of the Biſchop, be the Miniſter of the paroch quher the offender dwells, and thair proces began.

And in cace the Biſchop ſalbe found to have ſtayit the pronouncing of the ſentence againſt any perſon that hes merit the ſame, and againſt quhom the proces hes bein laufullie deduceit, the ſamein being tryit, and he convict in the Generall Aſſemblie therfor, that advertiſement ſalbe made to his Majeſtie, to the effect ane vther may be placit in his rowme.

Item, That all preſentatiouns be direct heirafter to the Biſchop; and vpon any preſentatioun givin, or vtherwayes ſute made be any to be admittit to the Miniſtrie, the Biſchop is to requyre the Miniſters of theſe bounds quher he is to ſerve, to certifie by thair teſtificat vnto him of the partie ſuter his converſatioun paſt, and abilitie, and qualificatioun for the functioun: and vpon the returne of thair teſtificat, the Biſchop is to take farther tryall; and finding him qualified, and being affiſted be ſuch of the Miniſtrie of the bounds quher he is to ſerve, as he will aſſume to himſelfe, he is then to perfyte the haill act of ordinatioun.

Item, In depoſitioun of Miniſters, the Biſchop aſſociating to himſelfe the Miniſtrie of theſe bounds quher the delinquent ſerved, he is then to take tryall of his fault, and, vpon juſt cauſe found, to depryve him.

Item, That everie Miniſter, in his admiſſioun, ſall ſweare obedience to his Majeſtie, and his Ordinar, according to the forme ſett downe in the Conference keipit in the ȝeir of God 1571 ȝeirs, quherof the tenour followis.

The Forme of the Oath to be given be the Perſon provydit to any benefice with cure, the tyme of his Admiſſioun be the Ordinar.

I, A. B. now nominat and admittit to the C. of D. vtterlie teſtifies and declares on my conſcience, that the right excellent, right high, and mightie Prince, James the ſixt, be the grace of God, King of Scotts, is the only lawfull ſupreame governour of this realme, aſweill in things temporall as in conſervatioun and purgatioun of the Religioun; and that no forraine Prince, Prelate, State, nor Potentat hes or aught to have any juriſdictioun, power, ſuperioritie, preheminence or authoritie, eccleſiaſticall and ſpirituall, within this realme: And, therfor, I vtterly renunce all forraine juriſdictiouns, powers, ſuperiorities, and authorities; and from this furth promiſes, I ſhall and will beare faith and true alledgeance to his Hienes, his aires, and laufull ſucceſſours; and to my power ſall aſſiſt and defend all juriſdictiouns, priveledges, preheminencies, and authorities granted and belongand to his Hienes, his aires, and laufull ſucceſſours, or vnited and annexit to his Royall Crown: And farther, I acknowledge and confeſſe to have and hald the ſaids poſſeſſiouns of the ſamein, vnder God, only of his Majeſtie and Crowne Royall of this realme: and for the ſaids poſſeſſiouns I doe homage preſentlie to his Hienes in your preſence; and to his Majeſtie, his aires, and laufull ſucceſſours, ſalbe faithfull and trew. Swa help me God.

Item, The viſitatioun of ilk dyocie is to be done be the Biſchop himſelfe: and if the bounds ſalbe greater then he can overtake, he is then to make ſpeciall choiſe, and to appoint ſome worthie man to be viſitour in his place: And quhatever Miniſter, without juſt cauſe and laufull excuſe made, ſall abſent himſelfe from the viſitation of the Dioceſan Aſſembly, he ſalbe ſuſpendit from his office and benefice, and, if he amend not, he ſalbe deprivit.

Item, Exerciſe of doctrine is to be continowit weeklie among the Miniſters at the times of thair accuſtomit meetings, and to be moderatit be the Biſhop if he be preſent; or then be any vther quhom he ſall appoint at the tyme of the Synod.

Item, The Biſhops ſalbe ſubiect, in all things concerning thair lyfe, converſatioun, office, and benefice, to the cenſures of the Generall Aſſemblie; and being found culpable, with his Majeſties advyce and conſent, to be deprivit.

Item, That no Bifchop be electit but quho hes paft the age of fourtie zeirs compleit, and quho at the leift hes bein ane actuall teaching Minifter for the fpace of ten zeirs.

Quhilks haill Articles being diverfe tymes red publicklie in the face of the haill Affemblie conveinit, after votting, the famein was ratified, approvin, and concludit be the haill Affemblie, and ordainit to be obfervit in all time comeing.

[Seffio 4a. 11 Junij, ante meridiem.

The faid day, the Earle of Dumbar, one of his Majefties Commiffioners, being prefently of intention, to have caufed inftantly difcharge all Prefbyteriall meetings by open Proclamation at Mercat Croffe of Glafgow; and that becaufe he had received a fpecial warrant and command from his Majeftie to that effect, which he on no wayes would nor durft difobey; the whole Affembly moft earneftly interceed with his Lordfhip, that it might pleafe his Lordfhip to continue the making of the faid Proclamation, and difcharge of the Prefbyteries contained in the faid Letter, for a certain fpace; that, in the meane time, his Majeftie might be certiorat of the proceedings of this prefent Affembly, which they doubted not would give his Majeftie full fatiffaction in that part; unto the which requeft, thofe of the Nobilitie, being prefently conveened by his Majefties direction in the faid Affembly, did concurre, and interpon their requeft to that fame effect: whereunto the faid Earle of Dumbar having acquiefced upon fpeciall offer made by the Noblemen conveened, that they would interceed at his Majefties hands, that he fhould be blamelefs for the faid delay; for the which the Affembly did giue his Lordfhip moft heartie thanks: And, therefore, ordained a Letter to be directed, in name of the whole Affembly, containing a moft humble Supplication, that it might pleafe his Majeftie of his gracious favour to accept of the proceedings of this prefent Affembly, in the matter of the Difcipline of the Kirk, whereunto they had condefcended for fatiffaction of his Majefties good will, contained in his Highnefs Letter; and in refpect thereof, that it might ftand with his Majefties good pleafure and will to fuperfeed all further difcharge of the faid Prefbyteries.

Anent the Supplication given in name of George Marquefs of Huntlie, &c., bearing in effect, that after long conference and reafoning had in the

controverted heeds of Religion, betwixt his Lordſhip and certain of the Miniſtery deputed to that effect, he was fully reſolved in all doubts and difficulties that might ariſe therein, or trouble him in any ſort; in token whereof, he hath ſubſcribed the Heeds and Articles of the Religion preſently profeſſed within this realme; which were preſented with the ſaid Supplication: And, therefore, deſiring that a commiſſion may be directed from this preſent Aſſembly, giving power to ſuch Commiſſionersas they ſhould appoint, to abſolve him from the ſentence of Excommunication, in reſpect of his ſatiſfaction foreſaid; as at more length is contained in the ſaid Supplication. Therefore, the Earle of Dumbar, his Majeſties Commiſſioner, having declared, in his Majeſties name, his Highneſs minde anent the abſolution of the Marqueſs of Huntlie from the ſentence of Excommunication; and in ſpecial, that it ſhould be tried if his Lordſhip was fully, in heart and conſcience, reſolved and ſatiſfied in the heeds of Religion, as he had ſubſcribed the ſame with his hand, to the intent that thereafter he might be abſolved from the ſaid ſentence of Excommunication.

The General Aſſembly, being ripely adviſed with the ſaid Supplication, and his Majeſties minde declared by his Highneſs Commiſſioner thereanent, Giveth, granteth, and committeth their full Commiſſion to the perſons after ſpecified, the Archbiſhops of Sanct Andrews and Glaſgow, the Biſhops of Orknay, Galloway, Brechen, Mr John Hall, Mr Patrick Simpſone, Mr William Couper, Mr Patrick Sharpe, and Mr Andrew Leitch; with power to them to paſſe with his Majeſties Commiſſioners, and the Earles of Montroſe, Glencarne, Cathneſs, Linlithgow, Kinghorne, Wigtoun, and Lothian, to the Caſtle of Stirline, where the ſaid Marqueſs is preſently confined, and there to try the ſaid Marqueſs his intention and reſolution, in the Heeds and Articles of the Religion; and if he be fully ſatiſfied thereanent in his heart and conſcience, as he hath outwardly profeſſed the ſame, ſubſcribed with his hand; and in caſe they find him fully reſolved, and of inward intention to give full ſatiſfaction in all the points and heeds of Religion controverted; and to avow, and conſtantly to confeſſe and profeſſe the true Religion, that is preſently profeſſed publickly within this realme: In that caſe, they give full power and commiſſion to the ſaid brethren, with Mr John Hay, Mr John Mitchel, Mr Robert Cornwall, and Mr Patrick Lindſey, or any nine of them, (the Archbiſhops of Sanct Andrews and Glaſgow being alwayes two,) to abſolve him from the proceſſe and ſentence of Excommunication.

Item, It was humbly regrated in the Affembly, that notwithftanding of many lovable acts and conftitutions, as well Ecclefiaftical as Civil, alreadie made and enacted for repreffing the diforder and infolence of profeffed and excommunicat Papifts; yet nevertheleffe they doe ftill remain in their former obftinacie and difobedience; proceeding doubtleffe upon the impunitie which they do enjoy, and overfight whereby they are fuffered to have free paffage and acceffe in all parts of the countrey, as if they were not excommunicat: For remedie whereof, it is ordained, that every one of the Commiffioners prefent give in roll to the Clerk of the Affembly all the perfons that are excommunicat within their bounds; that the fame being prefented by him to my Lord Commiffioner, his Lordfhip may caufe the Secret Councel take order with them, according to the lawes of the countrey.

And becaufe it is not unknown to the Kings Majeftie, what treafonable practices and attempts are, from time to time, devifed againft his Majeftie and his Royal Eftate by the Papifts, and profeffed enemies to the truth: Therefore, the Affembly hath thought good, that a Supplication fhould be directed to his Majeftie, in name of the whole Affembly, to put his Majeftie in remembrance of his own eftate and danger, whereunto his Majeftie is fubject through the cruel and craftie treafon daily forged and contrived againft his ftate and perfon, by the Papifts, Jefuits, and Seminarie Priefts, enemies to God and the true Religion, and to his Majeftie, becaufe his Highnefs is a fpecial maintainer of the fame againft their falfe and erroneous doctrines; that, therefore, it would pleafe his Majeftie to have fuch regard to his own eftate, and prefervation of his moft facred perfon from their bloudie devices, that by debarring of them and their favourers from his Majefties prefence, his Majeftie, by the grace and protection of God Almighty, may be preferved in fafety, to the advancement of the glory of God, eftablifhing of the true peace of the Kirk within his Majefties dominions, and comfort and tranquilitie of his Highnefs fubjects, whofe wealth and profperitie in this earth, under God, they acknowledge to confift in his Majefties prefervation.

Seffio 5. 11 Junij, poft meridiem. C.]

Forfameikle as in this prefent Affemblie it is alreadie ftatute, that the

Exercifes falbe moderatit be the Bifhops in the meitings of the Miniftrie, if they be prefent, or then be any vther quhom they fall appoint at the tyme of the Synod: and becaufe the nixt Synod is not to be haldin befor the moneth of October nixt to come; therefor, it is ordainit, that in abfence of the Bifchop, the conftant Moderatours fall remaine in thair awin places quhill the nixt Synod be halden in October.

Item, Becaufe it is vncivill that laws and conftitutiouns, either Civill or Ecclefiafticall, being anes eftablifchit and in force, by publick and opin confent, fould be controllit and callit in queftioun by any perfon: therfor, it is ftatute by vniforme confent of this haill Affemblie, that none of the Miniftrie either in pulpitt in his preaching, or in the publick exercife, fpeake and reafon againft the acts of this prefent Affemblie, nor diffobey the fame, vnder the paine of deprivatioun, being tryit and convict therof; and fpeciallie, that the queftioun of equalitie and inequalitie in the Kirk, be not treattit in pulpitt vnder the faid paine; and that every ane of the Commiffioners prefent intimat this act in the firft meeting of thair exercifes.

[Item, It is ftatute and ordained by the whole Affemblie, that the celebration and folemnization of the holy band of matrimonie, be refufed to no Chriftians within this realme, neither upon Sunday, nor upon any other day, when the famine fhall be required: and ordaineth that the fame be performed with all chriftian modeftie, and without all diforder.

Item, Becaufe through fundrie parts within this realme, as well in the highlands and borders, as in the mid countrey and beft inhabited and peopled land, there be many Kirks lying deftitute of a Paftor and preaching of the Word, to the great difcomfort of the people, whofe foules are thereby fruftrated of the ordinarie food of the Word of God, which proceeds for the moft part of the laick patronages, and erection of fpiritual benefices in temporal livings; which erections are either not accepted by the purchafers thereof, but left in fufpenfe at the feales, without any provifion made to the Minifters of the Kirks of the benefice: or if they be accepted, either the provifion, appointed for the Minifter, is fo mean, that it is altogether unable to intertain an honeft man in his calling; or elfe the Minifter is altogether fecluded from uplifting that portion allotted to him by parifhioners, addebted in payment thereof, and is compelled to await for the fame from the erected Lord his chamberlain, or his garner, and fo in a manner getteth none, or at the leaft fmall payment of the fame: For

remeed whereof it is thought expedient, that the brethren after ſpecified, viz. the Archbiſhops of Sanct Andrews and Glaſgow, the Biſhops of Orknay, Galloway, and Cathneſs, with John Clappertoun, Mr John Hall and Mr Robert Buchanan, ſhall conveen at Edinburgh, the 20 day of June inſtant, and form a Supplication to be direct to his Majeſtie for planting of all the Kirks that are unplanted within this realme, whatſoever rank or qualitie the ſame be of, and that the ſame be direct to his Majeſtie by the Archbiſhop of . . . . . the Biſhop of Brechen, Mr John Hall and Mr William Couper, whom the Aſſembly hath appointed their lawful Commiſſioners, to preſent in all reverence to his Majeſtie the humble petitions and ſupplications direct to his Highneſs from this preſent Aſſembly. C.]

Extractit furth of the Regiſter of the Acts of the Generall Aſſemblie be Mr Thomas Nicolſone, Commiſſar of Aberdeen, Clark, Keiper, and Extracter therof.

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[Proclamation be the King, ratifying the Aſſembly at Glaſgow 1610.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our lovits, &c., Meſſingers, our Sheriffs in that part, conjunctly and ſeveraly, ſpecialy conſtitut, greeting. For as much as there be none who are ignorant of the great harmony and uniformity of minds among the Nobility, the Fathers of the Church, and a number of the moſt learned and beſt affected of the Miniſtrie, at their late meeting and General Aſſembly of the Church of this our kingdom, conveened in our City of Glaſgow, and ſince with the general applauſe of all them who were then mett together, there were diverſe and ſundry moſt worthy ordinances and conſtitutions then eſtabliſhed and concluded for the weale of the Church, and preſervation of good order, rule, peace and tranquillity within the ſame: and we, by our ſpeciall Letter directed to the Lords of the Privy Conſil, having expreſſly willed and commanded them, upon the ending of the ſaid Aſſembly, for the more authorizing of the concluſions of the ſame, to command all our ſubjects of whatſomever ſort, condition, or function, that they doe obtemper, obey, and not contradict, oppone or impugne any article, point or head of theſe concluſions: And in regard that, by ſpecial

act concluded in the ſaid Aſſembly, all Miniſters and Preachers whatſomever are expreſſly prohibited and forbiden, either in privat or in publick, to ſpeak againſt or impugne any of the concluſions made at that meeting, under the pain of deprivation: Therfor, the ſaid Lords of the Privy Counſel have ordained, and ordain thir our Letters to be direct in manner and to the effect following, as an act made thereupon bears. Our will is herefor, and we charge you ſtraitly and command, that incontinent thir our Letters ſeen ye paſs to the Mercat Croſs of our Burgh of Edinburgh, and all other places needfull, and there be open proclamation, in our name and authority, that ye command and charge, and inhibit all our ſubjects whatſomever; and in ſpecial, all teaching and preaching Miniſters, and lecturing Readers, within this our kingdom, that none of them preſume or take upon hand, either in their ſermons publickly, or in their privat conferences, to impugn, deprave, contradict, condemn, or utter their diſſalowance and diſlyke in any point or article of theſe moſt grave and wiſe concluſions of that Aſſembly endit with ſuch harmonie, as they will anſwer to the contrary at their higheſt perrill and charge; and that you command all our Shireffs, Stewarts, Bailiffes and their Deputs, all Proveſts and Bailies of our burrowes, and all other our officers and magiſtrats whatſomever within our ſaid kingdom, that if they doe hear or underſtand of any breach of this preſent command, by any Preacher, Miniſter, or lecturing Reader, or other ſubject whatſomever, that they faill not preſently to committ the treſpaſſer in this kind in ſome priſon or ward, untill ſuch time as they having advertiſed the ſaids Lords of our Privy Counſel of the ſame, they ſhall have their anſwer returned, what farther ſhall be done by them: and where any magiſtrat ſhall be found and tryed to have been unwilling, remiſs or ſlouthfull in the execution of this preſent direction, It is hereby declared, that their negligence and connivence at any ſuch fault ſhall make them as culpable hereof as the principal offender; and they ſhall be accordingly with all rigour and ſeverity puniſhed. And herewith that ye command all others our ſubjects of whatſomever quality, bearing no office or charge of magiſtracy, and ſo wanting power to apprehend and committ the delinquent, that upon their hearing of any one tranſgreſſing the preſent command and proclamation, that they doe certify the next magiſtrat or ſome one of our Privy Counſell of the ſame; otherways they ſhall be reputed, holden and accounted guilty of the ſame offence, and ſhall be puniſhed as principal tranſgreſſors in this kind. The which to doe, we committ to you, conjunctly

and ſeverally our full power be thir our Letters, delivering them be you duely executed and indorſed again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of June, and of our reign the eight, and fourty thrie years, 1610.

Per actum Secreti Conſilij, &c. C.]

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A.D. M.DCXII.

A Ratificatioun, be Act of Parliament haldin at Edinburgh, 1612 zeirs, of the Acts and Concluſiouns ſett down and aggreitt vpon in the Generall Aſſemblie haldin at Glaſgow, in the moneth of June 1610: Together with ane explanatioun made by the Eſtates, of ſome of the Articles of the ſame.

Forſameikle as in the Parliament haldin at Edinburgh, in the zeir of God 1597, the Eſtates of this kingdom remittit to his Majeſtie to conſult and aggrie with the Generall Aſſemblie of the Kirk, vpon the authoritie and power quhilk the Archbiſchops and Biſchops ſould have in the policie and diſcipline of the Kirk: Wheranent after that his Majeſtie and his Commiſſioners many tymes had moſt ſerioufly conferrit and advyſit with the Miniſtrie: At laſt concluſioun was takin in the Generall Aſſemblie haldin at Glaſgow, in the moneth of Junij, 1610 zeirs, determining all the doubtfull and contravertit points concerning the juriſdictioun, policie, and diſcipline forſaid, with full and vniforme conſent of a very frequent number of godly Miniſters, aſſiſtit be the counſell and concurrence of a great many of the beſt affectit Nobilitie, Barrones, and Commiſſioners of Burrowes of this kingdom, in maner, ſubſtance, and effect following: with the explanatioun maid be the Eſtates of Parliament preſentlie conveinit, of ſome of theſe articles reſolvit vpon in the foirſaid Aſſemblie of Glaſgow.

In the firſt, the foreſaid Aſſemblie acknowledgeth the indictioun of the Generall Aſſemblie of the Kirk to appertaine to his Majeſtie, by the prerogative of his Royal Crowne.

And farther ordaines, that the Biſchops ſalbe Moderatours in every Dioceſian Synod. And the Synod ſall hald twyſe in the zeir of the Kirks of every Dyocie, viz. in Apryle and October: and quher the Diocies are

large, that ther be twa or thrie Synods in convenient places, for eafe of the Miniftrie: And in cace the Bifchop of the Dyocie be abfent vpon any neceffar occafioun, in that cace his place falbe fupplied be fuch ane worthie Minifter, bearing charge within the bounds, as the Archbifchop or Bifchop fall appoint.

That no fentence of excommunicatioun or abfolutioun thereof be pronouncit againft or in favours of any perfon, without the knowledge and approbatioun of the Bifchop of the Dyocie, quho muft be anfuerable to God and to his Majeftie for all formall and vnpartiall proceiding therein: And the proces being found formall, the fentence to be pronouncit at the directioun of the Bifchop, be the Minifter of the paroch quher the offender dwells, and the proces began.

That all prefentatiouns to benefices be directit heirafter to the Archbifchop or Bifchop of the Dyocie, within the which the benefice vacand be dimiffioun, deprivatioun, deceis, or vtherwayes, lyeth: with power elfe to the Archbifchop or Bifchop to difpone and conferre fuch benefices as falls in his Dyocie, jure devoluto: Provyding alwayes, in caice any Archbifchop or Bifhop fould refufe to admitt any qualified Minifter, (accepting the prefentatioun grantit to him, and who hath bene once receivit and admitted to the functioun of the miniftrie, being then ftill vndepryvit,) prefentit to them be the patrone, in the caice of any fuch refufe, It falbe laufull to the patrone to reteine the whole fruites of the faid benefice in his awin handis. And either he, or the paroch wanting a Paftour, be reafon of the not planting of the Kirk, (in caice the refufall therof come be the Bifchop,) may complaine therof to his Archbifchop; and if either the Archbifchop be the refufer, or els give not due redreffe being complained vnto: in that cafe the Lords of his Majefties Privie Counfell, vpon the parties complaint of the refufe, and no fufficient reafon being givin for the fame, fall direct letters of horneing, chargeing the Ordinarie to doe his duetie in the receiving and admitting of fuch a perfon as the faid patrone hath prefentit. It is alwayes declarit, that if any Archbifchop or Bifchop fall deprehend any fuch perfon as is prefentit to him, to have come within compaffe of a fimoniacall pactioun with the patrone, in fo farr as he hath either alreadie hurt, or promifed or bound himfelfe to prejudge and hurt the eftate of his benefice in not referving a fufficient mainteinance for him and his fucceffours, anfuerable to the eftate of his benefice; and that the Bifchop or Archbifchop fall vnderftand the fame, either be the parties oath, or vther cleir pruif and

evidence: in that cace they may laufullie refufe any fuch perfon prefentit to them. But if the partie who is prefented, hath refervit to himfelfe and his fucceffours a fufficient manteinance, the fetting of tacks, or promife to doe the fame, or doing of any thing els to his patrone, (being not prejudiciall to that aforfaid manteinance,) fall no wayes be afcryvit to any fimoniacall pactioun, nor fall not ferve for any reafon to the Archbifchop or Bifchop to refufe him. And in cace any fuch contraverfie or queftion fall occure betuixt the patrone, the perfon prefentit, and the Archbifchop or Bifchop, It is declarit, that the Lords of Counfell and Seffioun falbe Judges thervnto, to decyde vpon the faid fymoniacall pactioun, and qualitie of the fame, if any fuch thing falbe objectit againft the partie prefentit.

In depofitioun of Minifters, the Bifchop affociating to himfelfe the Miniftrie of thefe bounds quher the delinquent ferved, he is ther to take tryall of the fact, and vpon juft caufes found, to depryve: And the lyke ordour to be obfervit in fufpenfioun of Minifters from the exercife of the functioun.

That every Minifter in his admiffioun fall fweare obedience to his Majeftie, and to his Ordinar, according to this forme following: I A. B. now nominat and admittit to the kirk of D. teftifie and declare in my confcience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faith, &c. is the onlie laufull fupreame governor of this realme, afweill in matters fpirituall and ecclefiafticall as in things temporall: And that no foraine Prince, State, nor Potentate, hes nor aught to have any jurifdictioun, power, fuperioritie, preheminencie, or authoritie ecclefiafticall or fpirituall within this realme. And therfor, I vtterlie renounce and forfake all forraine jurifdictioun, power, fuperiorities, and authorities; and promifes, that from this furth I fall and will beare faith and true alledgance to his Hienes, his aires, and laufull fucceffours; [and to my power fhall affift and defend all jurifdictions, priviledges, preeminences, and authorities granted and belonging to his Highnefs, his heirs, and lawfull fucceffors,] or vnited and annexit to his Royall Crowne. And further, I acknowledge and confeffe to have and to hold the faid D. and poffeffioun of the fame, vnder God, of his Majeftie, and his Crowne Royall of this realme: and for the faids poffeffiouns I doe homage prefentlie to his Hienes in 3our prefence: and to his Majeftie, his aires, and laufull fucceffours, falbe true. So help me God. And als that every

Miniſter in his admiſſioun ſall ſweare obedience to his Ordinar, according to this forme following: I A. B. now admittit to the Kirk of C. promiſes and ſweares to E. F. Biſchop of that Dyocie obedience, and to his ſucceſſors in all laufull things. So help me God.

And if the ſaid benefice be at the preſentatioun of ane laik patrone, the perſon preſentit ſall give his aith as followes: I G. H. now admittit to the forſaid benefice, teſtifie and declare in my conſcience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faith, &c. is the onlie laufull ſupreme Governor of this realme, as weill in matters ſpirituall and eccleſiaſticall as in things temporall; and that no forraine Prince, State, nor Potentate, hes nor aught to have any juriſdictioun, power, ſuperioritie, preheminence, nor authoritie eccleſiaſticall or ſpirituall within this realme. And therfor, I vtterlie renounce and forſake all forraine juriſdictioun, power, ſuperiorities, and authorities; and promiſes, that from this furth I ſall and will beare faith and true alledgance to his Hienes, his aires, and laufull ſucceſſours; and to my power ſhall aſſiſt and defend all juriſdictions, privilidges, preeminencies, and authorities granted and belonging to his Hienes, his aires, or laufull ſucceſſours, or vnited and annexit to his Royal Crowne. And I doe acknowledge and confeſſe to have and hald the ſaid benefice and poſſeſſiouns of the ſame, vnder God, be his Majeſtie, of E. F. laufull patron of the ſame.

That the viſitatioun of ilk Dyocie be done be the Biſchop himſelfe; and if the bounds be greater than he can overtake, that then he make ſpeciall choiſe of ſome worthie man of the Miniſtrie of the Dyocie, to viſite in his place: And quhatever Miniſter, without juſt cauſe and laufull excuſe made, ſall abſent himſelfe from the viſitatioun, or the Dioceſian Aſſemblie, he ſalbe ſuſpendit from his office and benefice; and if he amend not, he ſalbe depryvit.

That the Conventiouns of Miniſters for Exerceiſe ſalbe moderatit be the Biſchop being preſent; and in his abſence, be any vther Miniſter quhom he ſall appoint at the Synod.

Quhilks acts, ordinances, declaratiouns, and determinatiouns above wrytin, his Majeſtie finding to be verie aggrieable to the true religioun profeſt within this kingdome, and to the godly and decent governement of the Kirk, Miniſtrie, and whole members therof: Therfor his Hienes, with advyce and conſent of the Eſtates of Parliament, ratifies, approves, and con-

firmes all and ſundrie the premyſſes: and ordaines them and every ane of them to be obeyit and obſervit, be all his Hienes ſubiects, as inviolable lawes in all tyme comeing. Annulling and reſcinding the 114 act of his Majeſties Parliament, haldin in anno 1592, and all and quhatſomever acts of Parliament, laws, ordinances, conſtitutiouns, ſentences, and cuſtomes, in ſo farre as they or any of them, or any part of the ſame, are contrair or derogatorie to any of the articles above wrytin, als eſſentially and effectuallie in all reſpects as if the ſaids acts and conſuetudes heirby abrogat were at lenth heirin expreſſit.

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A.D. MD.CXV.

[The Courts of High Commiſſion united in December, in forme and manner following.

Our Soveraigne Lord ordaineth a Letter to be made under his Highneſs great Seal, in due form, making mention, that forſameikle as it hath been heavily complained to his Majeſtie, in the behalf of the Miniſtrie of the Kingdom of Scotland, of the frequent Advocations, made by the Lords of Councel of the ſame Kingdom, againſt ſuch as are either erroneous in religion, or ſcandalous in life; whereby they are not only diſcouraged from cenſuring of vice, but the offenders ſo much the more emboldened to continue in their wickedneſs, uſing their Advocation as a mean and delay, both to diſappoint trial and puniſhment, knowing that many of the Miniſtry, in regard of the meanneſs of their proviſion, are unable to attend, and proſecute the diet of ſuch proceſſe; the matter contraveened being alſo improper to the Councel to cognoſce upon. For eſchewing of the which inconveniences, and that the number of true Profeſſors may be known to increaſe, the Antichriſtian enemie and his grouth ſuppreſſed, all kind of vice and ſcandalous life puniſhed, and that no cover of iniquitie, nor delay of trial and puniſhment of the offender be left, by this ſubterfuge of diſcharging the Eccleſiaſtical cenſure to proceed in things ſo meer proper for them, or being otherwiſe of a mixt nature, in regard of the danger and ſequel of law by reaſon of the offence committed; which in this caſe can no wayes be ſo well ſupplied, as by the particular choiſe of ſome of the Nobilitie,

Clergie, other Laicks and Miniſters, being well affected in religion, zealous in the cauſe of God, and deſirous to have all vice and ſinne puniſhed, and the increaſe and grouth of the enemie ſtayed: And becauſe the citation of the foreſaid perſons is oftentimes protracted or delayed by abſence of any of our two Archbiſhops of Scotland, either by ſicknefs, or for other reaſonable cauſes; ſo that by the abſence of our Archbiſhop of Sanct Andrews, the ſcandalous perſons, within the Province and Diocie of Sanct Andrews, cannot be cited to compear before our Archbiſhop of Sanct Andrews as their Ordinar: And by the abſence of our Archbiſhop of Glaſgow, the offenders, within the Province and Diocie of Glaſgow, cannot be cited to compear before our Archbiſhop of Glaſgow; ſo that the ſcandalous perſons, at the leaſt the moſt part, eſcape puniſhment: Therefore, for remedie hereof, out of his dutie towards God, and love to his Kirk, being the Nurſe Father of the ſame upon the earth, within his Majeſties dominions; and grieving, that either hereticks, ſchiſmaticks, or ſcandalous livers, ſhould finde any ſubterfuge, colour, or eſcape the old ordinarie courſe from the Eccleſiaſtical puniſhment, appointed by his Hienes laws, againſt offenders in ſuch cauſes, hath given, granted, and committed, and by the tenor hereof, gives, grants, and committs full power and commiſſion to the moſt reverend Fathers in God, and his Highneſs right truſtee and welbeloved Connſellors, John Archbiſhop of Sanct Andrews, Primat and Metropolitan of Scotland, and James Biſhop of Glaſgow, conjunctly and ſeverally, and Alexander Earle of Dumfermline, Chancellour of our Kingdom of Scotland, John Earle of Marr, George Earle of Merſchal, John Earle of Montroſe, Peter Biſhop of Aberdeen, Alexander Biſhop of Murray, William Biſhop of Galloway, Patrick Biſhop of Roſs, Andrew Biſhop of Brechin, Alexander Biſhop of Cathneſs, Adam Biſhop of Dumblane, Andrew Biſhop of Argile, and George Biſhop of Orknay, the Lord Binning, Secretar of our realme of Scotland, ... Lord Lindſay, William Lord Sanquhair . . . . . Lord Forbes, Walter Lord Blantire, Sir Richard Cockburne of Clerkingtoun, Lord Privie Seal, Sir Alexander Hay of Whitburgh, Clerk of Regiſter, Sir William Oliphant Newtoun Knight, our Advocate, Sir Gedeon Murray of Eliebank Knight, our Treaſurer Depute, Sir David Carnegie of Kinnaird Knight, Sir William Levingſtoun of Kilſyth Knight; Mrs Patrick Galloway, John Hall, Peter Hewat, Andrew Ramſey, Miniſters at our Burgh

of Edinburgh, Mr John Ramſey, Miniſter at . . . . Mr John Hay, Parſon at Ranfrew, Mr William Birnie, Miniſter at Air, Mr John Abernethie, Miniſter at Jedburgh, Mr Edwart Hepburn, Miniſter at Preſtoun, Mr John Mitchelſone, Miniſter at Bruntiland, Mr Theodor Hay, Parſon of Peebles, Mr Thomas Henriſon and Mr John Arthure, Commiſſars of Edinburgh, Mr John Weemes, Commiſſar of Sanct Andrews, Mr William Hay, Commiſſar of Glaſgow; or any five of them, the ſaids Archbiſhops of Sanct Andrews and Glaſgow, or any one of them, being of the number of the foreſaids, to ſummon or call before them, at ſuch time and places as they ſhall think moſt meet, all perſon or perſons, dwelling within our Country of Scotland, and within the Provinces of Sanct Andrews and Glaſgow, and Diocies of the ſamine, being offenders either in life or religion, whom they finde any wayes to be ſcandalous; and ſpecially, reſetters and intercommuners with Jeſuits, Seminary and Maſſe Prieſts, or excommunicat Papiſts, ſayers and hearers of Maſſe, recuſants, and not communicants, inceſtuous and adulterous perſons; and that they take trial of the ſamine: And if they finde them guiltie and impenitent, refuſing to acknowledge their offence, they ſhall give direction and command to the Preacher or Miniſter of that pariſh, where they dwell, to proceed with the ſentence of excommunication againſt them; which ſentence, if it be protracted or delayed, and their command by that Miniſter be not preſently obeyed, they ſhall then conveen any ſuch Miniſter before them, and proceed in cenſuring him for his diſobedience, either by ſuſpenſion, or deprivation, or otherwiſe, according as in their diſcretion they ſhall hold his obſtinacie, and refuſal of their directions, to have deſerved: And farther, to fine at their diſcretions, impriſon, or ward any ſuch perſons, whom, being conveened before them, they ſhall find upon trial, for contumacie, or their non compearance, to have deſerved ſuch puniſhments for the ſaid crimes: And a warrant under the hand of any five above named, any one of the ſaid Archbiſhops being alwayes one of them, ſhall ſerve for a ſufficient command to Captains and Conſtables of his Highneſs Wards and Caſtles, and to all keepers and Jaylors of all Priſons or Wards, either within burgh or land, within any part of the ſaid countrey, for receiving and detaining of ſuch perſons, as ſhall be directed unto them, to be keeped by them in ſuch form as by the ſaid warrants ſhall be preſcribed, as the ſaid offenders will anſwer to the contrarie upon their peril. And of all ſuch fines, as ſhall be impoſed upon any offender, the one half

to appertain to his Majeſtie and his Highneſs Treaſurer; another half to be imployed upon ſuch neceſſary charges, as the ſaid Commiſſioners ſhall be forced unto, by charging all Papiſts, and witneſſes to compear before them; and the ſurplus to be beſtowed, at the ſight of the ſaid Commiſſioners, ad pios uſus: And that the ſaid Letters be extended in the beſt form with all clauſes needful, and with command therein to the Lord of his Highneſs Privie Council of Scotland, upon the ſight of any certificat, ſubſcribed by any five of the ſaid Commiſſioners, the ſaid Archbiſhops being alwayes two of them, either of fine impoſed upon any partie found guiltie, or of the contumacie or refuſal of any partie to compear before them, to direct a ſummar charge of horning upon ten dayes only, for payment of the fines to be impoſed upon them, and to direct his Highneſs Letters and warrant for preſent denouncing of perſons that are contumacious, for their contumacie and refuſal to compear, being lawfully called to that effect: and that no ſuſpenſion nor relaxation be granted, without a certificat under the Biſhops hands, of the partie charged his obedience and ſatiſfaction: And in caſe of farther diſobedience of the partie, who ſhall be charged for his fine of non compearance, his Majeſtie then ordaineth his Lords of Council to proſecute the moſt ſtrait order, as is uſed againſt any others his Highneſs rebels, for any other cauſe whatſoever: With power to the ſaid Commiſſioners to proceed therein; and alſo to take trial of all perſons, that have made defection, or otherwiſe are ſuſpected in religion; and as they finde any juſt cauſe againſt them, to proceed in manner foreſaid: Commanding alſo by thir preſents the Captains and Lieutenants of his Majeſties guards, Proveſts and Bailliffs of Burghes, where the ſaid Commiſſioners ſhall ſit, Sheriffs, and Bailiffs of Regalities, and all others his Majeſties Officers, and Miniſters of the lawes, to ſearch, ſeek, take and apprehend all and ſundrie perſons his Majeſties lieges, whom the ſaid Commiſſioners ſhall think meit to be preſented to their judgement and trial, upon a warrant ſubſcribed by any five of the ſaid Commiſſioners, any of the ſaid Archbiſhops being alwayes one of them: And alſo, whenſoever they learn or underſtand of any Miniſter, Preachers or Teachers in Schooles, Colledges or Univerſities, or of exhorting and lecturing Readers within theſe bounds, teaching or ſpeaking againſt the preſent eſtabliſhed order of the Kirk or Eſtate, againſt any of the concluſions of the by paſt General Aſſemblie holden at Glaſgow, or any acts of Parliament, and ſpecially, the act of Parliament holden at

Edinburgh, in October 1612 years: and therefore, after calling before the ſaid Commiſſioners, they ſhall be queſtioned upon the points of that which is laid againſt them, and puniſhed according to the qualitie of their offence. And whereas complaints ſhall be made unto them by any partie, that ſhall be conveened before any Eccleſiaſticall Judicatorie, for any ſuch crime as he ſhall be ſuſpected of, and the partie alledge there, that the matter itſelf is impertinent to that Judicature, and the proceedings to be, and to have been unformal; or that the Judicature itſelf hath been partial: And when the ſaid Commiſſioners ſhall ſee a juſt cauſe, they ſhall take . . . . . like as it ſhall be leeſome to whatſomever perſon or perſons, to appeal to the ſaid Commiſſioners from any inferior Eccleſiaſticall Judge, upon any reaſonable cauſe: then and in that caſe, the ſaid Commiſſioners to take cognition therein, the caſe of Appellation being found reaſonable: With power alſo to the ſaid Commiſſioners, to make choiſe of the Clerk, Procurator fiſcal, and other members of Court; and to direct precepts in name of the ſaid Archbiſhops and their Aſſociats, for their citation of any parties before them, within the bounds of the ſaid countrey, in any of the cauſes or caſes above named: which precepts ſhall be ſealed with a ſpecial Seal, containing the Armes of the ſaid two Archbiſhops; and theſe preſents ſhall be a ſufficient warrant, both for making, and uſing the ſaid Seal; and to charge witneſſes to compear before them, under the pain of fourtie pounds uſual money of this Realme of Scotland: And upon a certificat from the ſaid Commiſſioners, that any of the ſaid penalties are incurred by their contumacie, the ſaid Lords of Councel ſhall direct the like charges for payment of the ſame, as is appointed for the fines. Attour, our ſaid Soveraign Lord by the tenor hereof diſchargeth the Lords of his Highneſs Council and Seſſion of all advocating to themſelves, from our Eccleſiaſtical Judicatories, any of the matters of the qualities above written; but that they referre the ſamine to the deciſion of the ſaid Commiſſioners: And generally to do all and whatſoever things the ſaid Commiſſioners ſhall hold fit and convenient for his Highneſs ſervice herein, according to the intent and purpoſes of his Majeſties Commiſſion: Charging likewiſe, and commanding all and ſundrie his Highneſs lieges and ſubjects, whom it effeirs, to anſwer readily, and obey the ſaid Commiſſioners, or any five of them, any of the ſaid Archbiſhops being alwayes one of them, their officers and Miniſters, in all and ſundrie things concerning the premiſſes, under all

higheſt pain and charge that after may follow: And ordains our Great Seal to be appended to the ſame; whereunto theſe preſents ſhall be a ſufficient warrant.

Given at Royſtoun, the 21 of December, the year of God 1615 years, and of our reigne fourtie nine, and thirteen years.

A. Chanc. Binning.
Murray. Alexander Hay.

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A. D. MD.CXVI.

The Kings Letter to Mr John Spotſwood, Biſhop of Sanct Andrews.

Right reverend Father in God, right truſty and well beloved Counſellor, We greet you well. We have received your letter of the 13 of this inſtant, whereby ye and the remanent Biſhops doe give us account of the High Commiſſions proceedings, and the cauſes moving them at their laſt meeting, to committ the Marqueſs of Huntlie: and as we are well pleaſed both with your Aſſembly, and that effect thereof, eſpecially at this time of ſo great defection, and apoſtacy in the North; ſo it is our pleaſure, that the ſaid Marqueſs be no ways relieved of his commanded reſtraint, but that he remain therein, notwithſtanding our late letter ſent to him, which being directed and diſpatched before we knew of his reſtraint, is not to be interpreted as a warrant for his relief thereof; ſo as notwithſtanding the ſaid letter, ye are ſtill to detain him, if he be in priſon, and otherways to cauſe him reenter the ſame.

And ſeeing now ye haue made ſo fair an entry and way to curb and correct Popery, and prevent the future grouth and increaſe therein; ſo we are the more earneſtly to perſuade you to ſett foreward in ſo good a cauſe, without fainting or wearying; becauſe at this time of the Marqueſs his impriſonment, every man will be in expectation of ſome real effect and work of reformation: Wherfor you and all the reſt of your collegues are to uſe the greater care and diligence in your proceedings againſt the Jeſuits, Prieſts and Papiſts in theſe parts; and chiefly againſt theſe of the ſaid Marqueſs his name, kind, and dependents, by citation, or ſuch other courſe as ye ſhall think meet for their diſcovery, purſuit, tryal, and puniſhment,

wherein as we doubt not, but ye will perform all that we can expect or require of you, ſo may ye be confident of our ſpecial approbation, and aid to be conferred to any lawfull courſe that ye intend or take for the ſame.

In the mean time, among other particulars of that letter ſent unto us, wee cannot but take ſpecial notice of the deviliſh diſpoſition of Cornelet Gordouns wife, in railing ſo wickedly againſt a Preacher, and uſing ſuch ſpeaches to divert people even at the church door from entering to hear the Word: Wherfor, our pleaſure is, that ye reſolve upon the moſt expedient courſe to bring her to Edinburgh, and ſhe to be committed to the Tolbuith thereof: for if theſe ſpeaches expreſſed in the ſaid letter be verified againſt her, we will repute her as infamous, odious, and puniſhable as any witch: and unleſs be her puniſhment, we be confirmed of her guiltineſs, we muſt eſteem the information made againſt her to be but an invention, and yow too eaſily to haue believed a lye.

According to your deſire, we have required our Depute Treaſurer to cauſe diſpatch the guard to purſue Gight, and take his houſe. And for puniſhing the reſt that being cited, compeared not before our Hie Commiſſion, we have willed him to proceed againſt all and every one of them, with all ſeverity and rigour of law.

And to conclude, whereas ye deſire the declaration of our pleaſure concerning Mr John Murrey: Seing be his conformity he has given you ſatiſfaction, we are well pleaſed, that ye place him in Dumfermling, or elſewhere as ye ſhall think moſt fitt. And ſo we bid yow farewell.

At Wanſteade, the 22 of June, 1616.

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Proclamation be the King, for holding the General Aſſembly at Aberdeen, in Auguſt 1616.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our Lovits, &c. Meſſingers, our Shireffs in that part, conjunctly and ſeverally, ſpecially conſtitut, greeting. For as much as the Prelats, and the reverend Fathers of the Kirk, forſeeing that there is a great decay in religion, and a grouth and increaſe of Poprie, within this our kingdom; and that the ſamen is like to produce many dangerous effects againſt the Eſtates, both in Kirk and Policie: And the ſaid Prelats hav-

ing gravely devised upon the best and readiest means, both for preventing and suppressing this grouth of Popery; and for reforming of the disorders and abuses flowing therefra, they haue found, that nothing is more expedient for effectuating their good work than a National Assembly, and meeting of the whole Kirk: And by their petitions presented to us, they have humbly craved our licence for the holding of the said Assembly: Lykas we allowing of their good advice and opinion in this point, and being willing to hold hand to them in all and every thing which may procure the good of the Kirk, We have most willingly and freely given and granted our consent, licence, permission and allowance for holding of the said Assembly, and ordaining the same to hold at our Burgh of Aberdeen, and to begin, God willing, upon the 13 day of August next approaching, in this instant year of God, 1616 years. Our will is herefor, and we charge yow straitly, and command, that incontinent these our Letters seen ye pass, and, in our name and authority, make publication thereof be open proclamation, at the Mercat Cross of the head burrowes of this our kingdom, and other places needfull, wherethrough none pretend ignorance of the same: And that ye warn all and sundry Archbishops, Bishops, Commissioners from the Kirks, and others having vote in the said Assembly, that they repair in due and lawfull tyme to our Burgh of Aberdeen, against the said 13 day of August nixt, and assist the said Assembly and meeting with their presence and votes, and doe and perform that which to their charges in such cases appertaines, as they will answer upon the contrair at their perrill: The which to doe, we committ to you, conjunctly and severally, our full pouer be these our Letters, delivering them be yow duely execut and indorsit again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of July, and of our reignes the 49 and 14 years, 1616.

Per Actum Secreti Consilij. C.]

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A. D. MD.CXVI.

The Generall Affemblie of the Kirk of Scotland, halden at Aberdein the 13 day of Auguft 1616: Where was prefent the Erle of Montrois, Commiffioner for his Majeftie, Lords and Barones, together with the Archbifhops, Bifhops, and Commiffioners from Prefbitries.

[A Faft was indicted, be Proclamation and found of trumpet, to be keeped this day: Patrick Forbes, Laird of Corfe, taught in the morning; the Bifhop of Sanct Andrews before noon; Mr William Forbes after noon.

The King ordained by his Letter, the Primat to rule the Clergie, and his Commiffioner, the Earle of Montrofe, to order the Laitie; and defired the Affembly to advife upon certain overtures for the rooting out of Popery, which he promifed to authorize be his lawes. So Mr John Spotfwood, Archbifhop of Sanct Androis, ftepped into the Moderators place without election. Secretar Hamiltoun and the Lord Carnegie were appointed by the King to affift the Earle of Montrofe. The Catalogue of the Prefbytries was not called, nor Commiffioners confidered, whether free or limited. A number of Lords and Barones decored the Affembly with filks and fattins, but without lawfull Commiffion to vote. Bifhops had no Commiffions from Prefbytries. The Moderators of the Prefbytries came according to the Bifhops Miffives.

The whole Bifhops and Lords of Councel, that were prefent, together with the Kings Commiffioner, and his Affifters, the Secretary, and the Lord Carnegy, and fifteen other Lords and Barones, with twenty Minifters, or thereby, were appointed to fit upon the Privie Conference. The firft four dayes were fpent in preaching, renewing old acts, and making fome new acts againft Papifts. C.]

Seſſio 2a. 14 Auguſti.

Forſameikle as the moſt vrgent cauſes of the convocation of this preſent Aſſemblie, is to obviat the great increaſe of Papiſtrie within this realme, and to try out the juſt cauſes heirof, to the effect that ſufficient remedies may be provided for redreſſing of the ſame in all tyme coming; and that it is found be the whole Aſſemblie, that ane great part of the cauſes of the ſaid increaſe relyes partlie vpon the ſlacknes of the Miniſtrie in thair holie profeſſioun, and partlie vpon the not executing of the laws, alſweill civil as eccleſiaſticall, againſt ſuch perſons as either were excommunicat themſelves, and oppinly contemnit the ſaid cenſure; or quho intertaines, receipts, and maintaines quho were excommunicat; or quho were traffiquers againſt the true religioun preſentlie profeſt within this realme: For remeid quherof, the whole Aſſemblie in ane voyce hes ſtatute and ordaint in maner after following.

In the firſt, For the better tryall and diſcovering of Apoſtates, it is ſtatute and ordainit, that quhoſoever hes confeſſit the true religioun preſentlie profeſſit within this realme, and hes ſubſcryvit the ſamein, and hes received the holy ſacrament of the Supper of the Lord, and communicat conforme to the ordour obſervit within this realme; if at any tyme heiraſter he or ſche be found any tyme, either to reaſon againſt the ſaid true religioun preſentlie profeſt within this realme, or any article or heid therof, or to raile againſt the ſame, or els directlie or indirectlie to be a ſeducer or perverter of vthers from the ſaid trueth preſentlie profeſt, as ſaid is; or if he or ſche be found to receipt or intertaine any traffiqueing Papiſts, Jeſuites, or Seminarie Prieſts: Any of the ſaid facts or deids ſalbe a ſufficient cauſe of apoſtaſie, and theſe doers ſalbe reput, haldin and puniſhit as apoſtates.

And becauſe the probatioun in the ſaids cauſes is difficile and almoſt impoſſible, in reſpect that the ſaids deids are committit covertlie, and quherin probatioun can hardly be deducit: Therfor it is ſtatute, that in cace vther probatioun cannot be had, that it ſall be lawfull to prove the ſamein be the aith of the partie alledgit committer of the ſaids facts and deids; and that it ſall not be leiſum to him to refuſe to give his oath in the ſaids matters, vpon quhatſoevir colour or pretence of criminall actioun, or vthers

following thervpon: and to this effect that ane ſupplicatioun be directit to his Majeſtie, that it might pleaſe his Hienes to ſett downe ane ordinance for ratificatioun of the former ſtatute, to the effect it may be receivit in all Judicatories.

Item, It is ſtatute, if any perſon or perſons quho hes conformit himſelfe to the true religioun preſentlie profeſt within this realme, and hes ſubſcryvit the Confeſſioun of the Faith, and receivit the Communioun, if at any tyme heirafter he or they doe not haunt the ordinar exerciſes of religioun, being admoniſchit be thair ordinar Paſtour trina admonitione [directed from the Seſſioun of the Church,] the ſame being proven ſalbe ane ſufficient cauſe to puniſh them as hald and repute apoſtates.

Item, It is ſtatute and ordainit, that quhatſumevir perſon, known of before tyme to have bein a Papiſt, and after his reconcileing to the Kirk, he ſalbe tryed and found to weare and beare vnder perſon Agnus Dei, beids, croces, crucifixes, or to have in their houſes idols and images, or in thair bookes ſick things as befor they have ſuperſtitiouſlie vſed, the ſamein ſall inferre juſt ſuſpitioun of apoſtaſie, and falling back in the ſaids errours; and they being convict thereof, ſalbe haldin and repute as apoſtates.

Item, It is ſtatute and ordainit in all tyme heirafter, quhenſoever any Miniſter ſall receive any Papiſt returning from his errours to the boſome of the Kirk, that at the tyme of his receiving, the Miniſter ſall firſt take his aith ſolemnlie ſworne, that he ſall declare the veritie of his faith and belief in every particular point and article, contained in the Confeſſioun of the Faith, quhilk ſalbe ſpeirit at him; and that immediatlie therafter the ſaid Miniſter ſall examine him particularlie vpon everie heid conteinit in the Confeſſion of Faith, and receive his particular anſwer thervpon affirmativé, conforme to the ſamein; vtherwayes that he ſall not be receivit.

Item, It is ſtatute anent the wyves of Noblemen, Gentlemen, and others profeſſing Papiſtry, quho reſetts traffiqueing Papiſts, Jeſuites, and Seminarie Preiſts, as if the ſame were done againſt the will and knowledge of thair huſbands, that all ſuch wemin ſalbe callit and conveinit for the ſaid recept and intertainment; and thair being convict therfor, that they ſalbe wardit ay and quhill they find ſufficient cautioun to abſtaine from the lyke receipt or intertainment, in any tyme comeing, vnder a certaine paine; but prejudice of any actioun that may be competent againſt thair huſbands, conforme to the laws of this realme.

Item, Becauſe the ſpeciall cauſe of increaſe of Papiſtrie proceids vpon

the not putting to execution of the ſtatutes and acts of Parliament made againſt traffiqueing Papiſts, Jeſuites, and Seminarie Prieſts; that therfor a ſupplicatioun be directit to his Majeſtie, that it will pleaſe his Hienes to take ſuch ordour, that the loveable lawis and acts of Parliament, made be his Majeſtie in tymes bypaſt againſt traffiqueing Papiſts, Jeſuites, and Seminarie Prieſts, may be put to executioun, in all tymes comeing, with all ſeveritie.

Item, It is ordainit, that the haill names of Papiſts recuſants, within this realme, be givin in be the Commiſſioners of this preſent Aſſemblie, to the Clerk, to be delyverit be him to the Archbiſchops of Sanct Androes and Glaſgow, conforme to thair ſeverall Provinces, to the effect they may be callit and conveinit before them in the Hie Commiſſioun, and puniſhed as accords; but prejudice alwayes of vther eccleſiaſticall cenſure, and diſcipline of the Kirk, ſtatute aganis them of befor.

Item, It is ordainit, that every ane of the Miniſtrie give up the names of ſuch of thair paroch as hes paſt furth of the countrey, and not found catioun for thair behaviour, and ſincere profeſſioun of the religioun, foorth of the ſamein, conforme to the act of Parliament, to the effect they may be callit, conveinit, and puniſchit conforme to the ſaid act.

Item, It is ordainit, that the whole names of the perſons excommunicat within this realme, quhilk ſalbe givin vp be the Commiſſioners, be delyverit to the Biſchop of every Dyocie, quho ſall delyver a catalogue of the names to every Miniſter within his Dyocie, ordaining every Miniſter to make publick intimatioun thereof, at every ane of thair paroch kirks, vpon Sonday, in tyme of divyne ſervice, that no man pretend ignorance of the ſame; chargeing and inhibiteing every ane of thair paroch, that they neither receipt the ſaid excommunicants, nor intercommune with them: certifieing them and they doe in the contrair, they ſalbe callit and conveinit as receipters of traffiqueing Papiſts and excommunicat perſons, and be puniſchit for the ſame.

Item, The Aſſemblie recommends to the care of Biſchops within thair Dyocies, and Miniſters within thair congregatiouns, to travell with noblemen, gentlemen, and burgeſſes, that ther be ordinar exerciſe of reiding and prayer within thair houſes, as alſo ane prayer for the Kings Majeſtie and his children, after every meale: [And that the Miniſter of every pariſh haunt the houſes to ſee the ſame obſerved.]

Seſſio 3a. 15 Auguſti 1616.

Item, Becauſe ther are ſome pamphletts and bookes full of calumnies, quyetlie ſett foorth, and ſpred within this countrey be the Papiſts, and enemies of the true religioun: Therfor the Aſſemblie hes ordainit, that Mr William Scott, Miniſter at Couper, and Mr William Struthers, Miniſter at Edinburgh, [the Laird of Corſe, and the Biſhop of Galloway,] ſall make anſuers to the ſaids bookes and pamphletts, to the effect that therby the peiple may be inſtructit how to beware of the famein, and the ſaid errours and calumnies may be refutit.

Item, Becauſe it is certainely informed, that certaine wemen taks vpon them to bring vp the zouth in reiding, ſewing, and vther exerciſes in ſchooles; vnder pretext and collour quherof, traffiqueing Papiſts, Jeſuites, and Seminarie Preiſts hes thair appointit tymes of meeting: at quhilk tymes they catechiſe and pervert the zouth in their zoung and tender age, in ſuch ſort that hardlie theraſter, by great paines and travells, can they be brocht fra their errours to the acknowledging of the trueth preſentlie profeſſit within this realme: It is therfor ſtatute and ordainit, that it ſall not be leiſum to quhatſumevir perſon or perſons to hold any ſchooles for teaching of the zouth, or to teach them therin, except they firſt have the approbation of the Biſhop of the Diocie, and be firſt tryit be the Miniſters of the Preſbytrie, quher they dwell, and have thair approbation to the effect forſaid.

Item, Becauſe ther is a great abuſe in peiplè paſſing to pilgrimages to wells, to trees, and auld chappells; as likewayes in putting vp of banefyres: Therfor it is ordainit, that the brethren of the Miniſtrie be diligent in teaching of the peiple, and preaching againſt ſuch abuſes and ſuperſtitioun, to the effect they may be recallit from the ſaids errours: as lykewayes that the Miniſtrie take diligent tryall of the names of thoſe quho haunts theſe pilgrimages, and to delate the ſame to the Archbiſchops of Sanct Androes and Glaſgow, every ane within thair awin provinces, to the effect they may be callit befor the Hie Commiſſioun, and puniſchit for the ſame. It is lykways ordainit, that thair names be delyverit to the Juſtices of Peace, with the places of thair pilgrimages, and dayes of thair meetings; and that they may be requiſtit and deſyrit to attend vpon the

ſaids dayes of thair meetings, and to diſturb and divert them therfrom, be apprehending and puniſhing of them.

Item, It is ordainit, that every Miniſter give vp the names of ydle ſongſters within thair pariſhes to the Juſtices of Peace, that they may be callit and conveinit befor them, and puniſchit as ydle vagabounds, conform to the Acts of Parliament, and power given to the ſaids Juſtices of Peace theranent.

Item, Becauſe it is found, that diverſe of the ſaid Jeſuites, traffiqueing Papiſts, and Seminarie Preiſts goes about, vnder the colour and pretext of Doctours of Phyſick and Apothecaries, deceiving and perverting the peiple from the true religioun profeſt within this countrie: Therfor ane ſupplicatioun wald be direct to his Majeſtie, that it wald pleaſe his Hienes to ſtatute and ordaine, that none heirafter be ſufferit to vſe and exerciſe the office of ane Doctour of Phyſick or Apothecar, quhill firſt he have ane approbatioun from the Biſhop of the Dyocies, quher he maks his reſidence, of his conformitie in religioun; as lykewayes from the Vniverſitie, quher he learnit and ſtudied, of his qualificatioun and ſufficiencie in the ſaid art.

The quhilk day compeirit in preſence of the haill Aſſemblie John Gordoun of Buckie, in name, and at the directioun of ane noble and potent Lord, George Marqueis of Huntlie, and preſentit a petitioun, direct be the ſaid George Marqueis of Huntlie, to the ſaid Aſſemblie, ſubſcrivit with his hand, craving to be abſolved orderly from the ſentence of excommunication, and deſyring ane anſuer of the ſame to be given be the Aſſemblie; quherof the tenour followes, as is to be found in the end of this Aſſembly.*

The Biſhop of Sanct Androes preſented ane letter direct from the Archbiſchop of Canterburie, together with ane vther letter from the Kings Majeſtie, concerning the abſolutioun of the ſaid Lord Marqueis from the ſentence of excommunicatioun made be the ſaid Archbiſchop of Canterburie, quhilk were both red in preſence of the ſaid Aſſemblie, and ordainit to be regiſtrat in the Acts of the Generall Aſſembly ad perpetuam rei memoriam, quherof the tenour followis:

Heir to inſert the two letters quhilk is to be found afterward.*

With the quhilk the Aſſemblie being rypelie adviſit, hes thoght it moſt expedient, that the ſaid Marqueſe compeir in the preſence of the haill Aſ-

* The documents referred to are not contained in the two MS. copies of B. U. K. Advocates Library, nor in the MS. or printed copies of C. to which we have had access.

ſemblie, ther to teſtifie his conformitie in the points of religioun, and reſolutioun to abide therat; and ſwa to be abſolvit from the ſentence of excommunicatioun pronuncit againſt him: And, therfor, ordains the ſaid John Gordoun of Buckie to advertiſe the ſaid Lord Marqueis, that he compeir befor the Aſſemblie, on Wedneſday nixt to come, the xxj day of Auguſt inſtant, to the effect forſaid: And for the better furtherance heirof, the Aſſemblie hes deſyrit the Lord Commiſſioner, and Lord Archbiſchop Moderator, to wryte thir letters to the ſaid Lord Marqueis for the cauſes forſaids: and the whole Aſſembly was charged to ſtay while that time.

[The Biſhop of Canterburie excuſes Huntlies abſolution in England. The reaſons moving the Biſhop of Canterburie. 1. His Majeſties ſute, aſſuring him that he was fully reſolved. 2. The Biſhop of Sanct Andrewes had requeiſted him divers times to further that mans converſion, whenſoever occaſion was offered. 3. He was reſolved by the beſt learned in England, that he might abſolve him. 4. That he did it of brotherly affection, and not as claiming any ſuperiority over the Kirk of Scotland. 5. He was informed be the Biſhop of Cathneſs then preſent at Court, that it would be acceptable ſervice to the Kirk of Scotland. C.]

Decimo ſexto Auguſti, 1616.

The ſaid day, the Lord Commiſſioner for his Majeſtie produceit certaine inſtructiouns, direct by his Majeſtie to the ſaid Lord Commiſſioner, to be proponit to this preſent Aſſemblie, anent the proviſioun of the remedie for the defectioun and falling away of many from the trueth: quherof the tenour followeth:

Inſtructiouns to our right truſtie and welbelovit Cuſigne and Counſellour the Erle of Montrois.

[1. That order be taken with the delapidation of benefices, and the progreſs thereof ſtayed, and ſome means devyſed to recover that which is loſt.

The Aſſembly thought good, that the determination of this matter ſhould be referred to ſome of the moſt wiſe and diſcreet of the Miniſtry to conſult and advife thereupon. And, in the meantime, it is ſtatute, that no Biſhop,

Miniſter, or beneficed perſon, ſett or ratifie any tack under the paine of depoſition, till order be taken be the ſaid Commiſſioners thereanent.

2. That the chief burrow touns be planted with ſufficient, wiſe, learned, and peaceable men; eſpecially ſuch places as are now vacant, as Aberdeen, Perth, Edinburgh and Bamfe, &c.

3. That the moſt learned, diſcreet Miniſters be appointed and tranſported to places where Noblemen has their reſidence, ſpecialy ſuſpect of Papiſtry; and if the means of the proviſion be ſmall where they are tranſported, to take the rents and ſtipend which they had before with them, till better order be taken: and to this effect the Aſſembly ordaines, that ilk Biſhop within his Diocy, with advice of the Synod, ſhall tranſport Miniſters as they ſhall think expedient.

4. That ſpecial canon be made, that all Archbiſhops and Biſhops in their viſitation, either be themſelves, or if they may not overtake the ſamen, the Miniſters of the pariſh make all young children of ſix years old be preſented to them, to give confeſſion of their Faith, that they may appear in what religion they are brought up. After which every two or three years they ſhall be examined, till they come to 14 years of age. After ſufficient growth of knowledge they may be admitted to the Communion: and that puniſhment be appointed for them that preſents them not, or are negligent in their inſtruction.

5. That a true and ſimple Confeſſion of Faith be ſet doun, to the which all ſhall ſweare before they be admitted to any office in Kirk or Commonweale; and all ſtudents in Colledges.

6. That a ſhort and compendious Catechiſm be made, which every kirk and familie ſhall have for the inſtruction of their children and ſervants, whereof they ſhall give account before the Communion, and every one be examined conforme thereto.

7. That all children and ſchools ſhall have and learn be heart the Catechiſm, intituled God and the King; which already, be Act of Conſell, is ordained to be read and taught in all ſchooles.

8. That a Liturgie be made, and form of divine ſervice, which ſhall be read in every church, in common prayer, and before preaching every Sabbath, be the Reader where there is one; and where there is none be the Miniſter befor he conceive his oun prayer, that the common people may learn it, and by cuſtom ſerve God rightly.

9. That the Communion be celebrat four times ilk year in the burrow touns, and twice in landwart; and one of the times to be at Eafter yearly. And if any communicat not once in the year, the act of Parliament is to ftrike upon them with all feverity.

10. That there be an uniformity of difcipline; and to that effect the Canons of the former Counfils and Affemblies to be extracted; and where the fame are defective, to be fupplied be former Canons and Ecclefiaftical meetings. For fetting doun whereof, the Commiffioners following are ordained to conveen with the Bifhops, in Edinburgh, the firft day of December next to come, viz. the Laird of Corfe, Mr John Reid, Mr George Hay, Doctor Philip, Mr David Lindfay in Dundie, Mr William Scott, Doctor Howit, Mr John Mitchelfon, Mr Patrick Galloway, Mr John Hall, Mr Edward Hephburn, Doctor Abernethy, Mr Robert Scott, Mr William Birnie, Mr William Arefkine, or the moft part of them.

11. For the help of the pofterity, and furtherance of religion, that a fpecial care be taken of the Divinity Colledge in Sanct Andrews; and to that effect, that every Diocie fhall furnifh two Students, or fo many as may make the number to extend to twenty fix; and the half thereof to be children of poor Minifters, to be preferred be the Bifhop of the Diocie: provyding always, that thefe who are furnifhed within the Province of Glafgow, that is to fay, the Diocies of Glafgow, Galloway, Argile, and the Ifles, fhall be brought up in the College of Glafgow; and not be aftricted to Sanct Andrews, but when they pafs Doctours only.

12. That none teach in pulpit publictly before the people, but thefe that have received impofition of hands; and whofoever does otherways be incapable of the Miniftry.

13. That every Minifter fhall minifter the Sacrament of Baptifm quhenfoever it fhall be required, under the pain of depofition; the godfather promifing to inftruct the infant in the faith.

14. That every Minifter have a Regifter of baptifms, mariages, and defuncts, within the parifh, to be prefented to ilk Synod: For doing whereof, it is ftatute, the Minifters, their wives, and executors fhall have the quotts and confirmation of their teftaments free. C.]

Quhilk being red in audience of the haill Affemblie, they give moft humble thanks to his Majeftie for the great care and folicitude his Majeftie

alwayes tooke for the advancement of the glorie of God, and profeſſioun of the true religioun within this realme, and holding downe and ſuppreſſing of Papiſtrie and ſuperſtitioun within the ſame: And as to the ſaids inſtructiouns, the brethren was ordainit to advyſe therwith quhill the morne.

Decimo ſeptimo Auguſti, ante meridiem.

Anent the ſaids inſtructiouns directit from the Kings Majeſtie to this Aſſemblie, the ſaid Aſſemblie being rypelie advyſit therwith, hes ſtatute and ordainit, as followeth.

In the firſt, Concerning the cauſes of the defectioun and falling away of many from the true religioun in this kingdome, and the remedies therof, the Aſſemblie hes ſett them downe in the articles made befor in this preſent Conventioun: And therfor moſt humblie deſyres his Majeſtie to confirm and allow them, and make them receive executioun.

Item, Becauſe the laik of competent maintainance to Miniſters is the cheefe cauſe of the evill, quhilk lay vpon this Kirk, quhilk for the moſt part proceids from dilapidation of benefices: to the effect therfor, that the progreſſe of that miſcheife may be ſtayit, and ſome meanes devyſit to recover that quhilk by iniquitie of tyme hes bein loſit, the Aſſemblie remitts the tryall, cognitioun, and whole diſpoſitioun of this matter to the Commiſſioners appointit from this Aſſemblie, for the cauſes underwrytin: And in the meantyme inhibites and diſcharges all Miniſters quho are beneficit perſons, and vthers quho are members of any Chapter, to ſett in tack or aſſedatioun any part of thair benefices, either in long or ſhort tackis, to quhatſumevir perſon or perſons; or as members of Chapter to give thair conſents to any tack or aſſedatioun ſett be vthers, quhill the ſaids Commiſſioners have conveinit and takin ordour anent delapidatioun of benefices, and forme and maner of ſetting of tacks, vnder the paine of excommunicatioun of the perſons ſetters of the ſaids tacks and conſenters therto; and deprivatioun of them from thair benefices.

Item, Becauſe the proviſioun of learnit, wiſe and peaceable men to be Miniſters at cheife Burrowſtounes in vacant places, ſick as Edinburgh, Perth, Aberdein, Bamffe, and vther places vacant, is ane moſt effectuall meane to roote out Poperie, and perpetuat the profeſſioun of the true religioun: It

is therfor ordainit, that the Burrowtounes be provydit with the moſt learnit, wiſe and peaceable men that may be had. And becauſe the Commiſſioners for the Towne of Edinburgh hes no commiſſioun from the ſaid towne, anent the proviſioun of Miniſters to the vacant places in the ſaid Kirk: Therfor the care thereof is remittit to the ſaids Commiſſioners, to quhom it ſalbe injoynit in thair commiſſioun, that they ſie the ſame performit. And as to Perth, the Aſſemblie ordaines my Lord Biſhop of Galloway to deale with the Commiſſioners of the Towne of Perth, for proviſioun of that vacant place. And ſicklyke ordaines the Proveſt of Aberdein to advyſe with the Counſell, anent the planting of the ſaid Kirk; to the effect ſufficient and qualified men may be nominat and provided to the ſaid places, befor the diſſolving of this Aſſemblie.

Item, Becauſe a ſpecial care ſhould be had of Noblemen thair reſidence, cheiflie of ſuch as were thoght to inclyne towards Poperie: Therfor the Aſſemblie ſtatutes and ordaines, that the Lords Archbiſchops and Biſchops, with the advyce of thair Synods, take care that moſt learnit and diſcreit perſons of the Miniſtrie be appointit to attend the ſaids places, and be tranſportit therto, ſick as to the Kirks of Dumbenen, Bellie, Northberwick, Cockburneſpath, Peiſlay, and ſuch vther places quher Noblemen makes reſidence, cheifly thoſe quho are thought to inclyne towards Poperie; and that they have a care of thair manteinance and ſufficient proviſioun: And if the ſame be ſmall, that theſe that are appointit to attend at the ſaids Kirks, carrie thair livings and rents with them, quhill farder order be takin.

Item, Forſameikle as one of the moſt ſpeciall meanes for ſtaying of the increaſe of Poperie, and ſettling of the true religioun in the hearts of the peiple, is, that a ſpeciall care may be takin in the tryall of ȝoung children, thair educatioun, and how they are catechiſit; quhilk, in the tyme of the primitive Church, was moſt careſullie attendit, as one of the moſt effectuall meanes, to cauſe ȝoung childrein in thair verie tender ȝeirs drink in the true knowledge of God and his religioun; bot is now altogether neglectit, in reſpect of the great abuſe and errours quhilk creip in in the Popiſh Church, vpon the ſaid good ground, be bigging thervpon ane Sacrament of Confirmatioun: Therfore to the intent that all errours and ſuperſtitioun quhilk hes bein biggit vpon the ſaid ground, may be reſcindit and takin away, and that the matter itſelfe being moſt neceſſar for educatioun of ȝouth, may be reduceit to its awin integritie, It is ſtatute and ordainit, that

the Archbiſchops and Biſchops, in the viſitatioun of the Kirks, either be themſelves, or quher they cannot overtake the buſſines, the Miniſter of the paroch, make all ȝoung childrein of ſix ȝeirs of age be preſentit befor them, and to give the Confeſſioun of Faith, that ſo it may appeare in quhat religioun they have bein brocht vp; and that they be commendit to God by ſolemne prayer at the tyme, for the increaſe of thair knowledge, and continuance of his grace with them. After that tryall, that the Miniſter of the paroch, every two or thrie ȝeir, ance at the leaſt, reexamine them, that after ſufficient growth in knowledge they may be admittit to the holie Communioun. And it is deſyrit, that ane ſupplicatioun be directit to the Kings Majeſtie, humblie craveing that it wald pleaſe his Hienes to injoyne ane puniſchment vpon ſuch parties, as either doe not preſent thair childrein, or ſalbe found negligent in thair right inſtructioun; and that they be callit and conveint therfor befor the High Commiſſioun.

Item, It is ſtatute, that the ſimple Confeſſioun of Faith vnderwrytin be vniverſallie receivit throughout this whole kingdome, to the quhilk all heirafter ſalbe bound to ſweare and ſett thair hands; and in ſpeciall all perſons that beare office in the Church, at thair acceptatioun of any of the ſaids offices; and lykewayes Students and Schollers in Colledges: Of the quhilk Confeſſion the tenour followes.

Heir to inſert the Confeſſioun of Faith.*

Item, It is ſtatute and ordainit, that a Catechiſme be made, eaſie, ſhort, and compendious, for inſtructing the commoun ſort in the articles of religioun, quhilk all families ſalbe ſubiect to have, for the better informatioun of thair childrein and ſervants, quho ſalbe holdin to give accompt therof in thair examinatiouns befor the Communioun. And for the better effectuating heirof, the Aſſemblie hes ordainit Mr Patrick Galloway and Mr John Hall, Miniſters at Edinburgh, and Mr John Adamſone, Miniſter at Libbertoun, to forme the ſaid Catechiſme, and to have the ſame in readines, befor the firſt day of October nixt to come, to the effect the ſame may be allowit, and printit with the Kings Majeſties licence: The quhilk Catechiſme being ſo printed, it is ſtatute and ordainit, that no vther heirafter be printed within this realme, nor vſed in families for inſtructioun and examinatioun of thair bairnes, ſervants, nor the peiple in all tyme coming.

Item, It is ſtatute and ordainit, that ane vniforme ordour of Liturgie or

* Printed at the end of this Assembly.

Divyne Service be ſett down to be red in all kirks, on the ordinarie dayes of prayer, and every Sabbath day befor the ſermoun, to the end the commoun peiple may be acquaintit therwith, and by cuſtome may learn to ſerve God rightlie. And to this intent, the Aſſemblie hes appointit the ſaids Mr Patrick Galloway, Mr Peter Ewat, Mr John Adamſone, and Mr William Erſkine, Miniſter at . . . . . to reviſe the Booke of Commoun Prayers containit in the Pſalme Booke, and to ſett downe ane commoun forme of ordinarie ſervice, to be vſed in all tyme heirafter; quhilk ſalbe vſed in all tyme of commoun prayers [in all kirks quher there is exerciſe of commoun prayers;] as lykewayes be the Miniſter before the ſermoun, quher ther is no Reidar.

Item, It is ſtatute and ordainit, that in all tyme heirafter, the holie Communioun be celebrate in all kirks within this realme, at the tymes following, viz. in Burrowſtounes, the Communioun ſalbe celebrate foure tymes in the ȝeir, and twyſe in the ȝeir in landwart Kirks; ſwa that ane of the tymes, as weill to Burgh as to Landwart, ſalbe at the terme of Eaſter ȝeirlie: and if any perſon ſall not communicat ȝeirlie ance in the ȝeir, at one of the forſaid tymes, that it be humblie requyrit of his Majeſtie, that the penaltie of the act of Parliament may be exactit of ſuch perſons with all rigour.

Item, It is thoght moſt neceſſar and expedient, that ther be ane vniforme ordour of Church Diſcipline throughout all the Kirks of this kingdome; and to that effect it is ſtatute and ordainit, that a Booke of Canons be made, publiſed in wryte, drawin foorth of the bookis of former Aſſemblies; and quher the ſame is defective, that it be ſupplied be the Canons of Counſells and Eccleſiaſticall Conventiouns, in former tyme: The care quherof the Aſſemblie be thir preſents committs to the Right Reverend James Archbiſchop of Glaſgow, and Mr William Struthers, Miniſter at Edinburgh, quho ſall put in forme the ſaid Eccleſiaſticall Canons, and preſent them in wryte to the Commiſſioners appointit be this Aſſemblie, to quhom power is givin to try, examine [and allow the ſame;] and after thair allowance and approbatioun thereof, to ſupplicat to his Majeſtie, that the ſame may be ratified and approved by his Royal authoritie, with priviledge to put the ſame in print.

Item, It is ſtatute and ordainit, that for the help of poſteritie, and to continue the light of the Goſpell with ages to come, the Divinitie Colledge foundit at Sanct Androes, quhilk ſould be the ſeminarie of the Kirk within this realme, be maintainit and vpholdin, and ane ſpeciall care takin therof.

And becauſe the rent therof is meane for the preſent, it is ordainit, that for the proviſioun of ſome ſtudents in Divinitie, every Dyocie ſall intertaine two; or according to the quantitie of the Dyocie ſo many, as the number may ariſe to twentie ſixe in haill, reſpect being had to the meannes of ſome Dyocies, and greatneſs and power of vthers; ſo that the leaſt Dyocies in thair contributioun ſalbe helped and eaſit be the greater: In the quhilk number it is ordainit, that the halfe at leiſt be the ſonnes of pure Miniſters, and be preſentit be the Biſhops of the Dyocies to the place.

Item, The Aſſemblie ratifies and approves the former Act made in the Aſſemblie haldin at Halierudehous, the tent day of November 1602, anent the ſacrament of baptiſme, that the ſame be not refuſeit, if the parent crave the ſame, he giving a Chriſtian confeſſioun of his faith, vpon any vther particular pretence of delay to tyme of preaching; with this extenſion and additioun, that baptiſme ſall no wayes be denyed to any infant, quhen either the parents of the infant, or any faithfull Chriſtian in place of the parents, ſall requyre the ſame to the infant; and that the ſame be granted any time of day, but any reſpect or delay till the houre of preaching.

Item, It is ordainit, that every Miniſter have a perfyte and formall Regiſter, quherin he ſall have regiſtrat the particular of the baptiſme of every infant within his paroch, and quho wer witneſſes therto; the tyme of the mariages of all perſons within the ſame; and the ſpecial tyme of the buriall of every ane deceiſand within thair parochin; and that they have the ſame to be in readines to be preſentit be every ane, at thair nixt Synod Aſſemblie, vnder the paine of ſuſpenſioun of the Miniſter not fulfilling the ſame, from his Miniſtrie. And it is deſyrit, that the ſaids Commiſſioners, in thair ſupplicatiouns direct to his Majeſtie, wold crave humblie that his Majeſtie wald ordaine the extract ſoorth of the ſaids Regiſters to make faith in all tyme comeing: and quho ſo obſerves this Act, the Archbiſchops and Biſchops ſall let them have thair quots of thair teſtaments gratis.

Acta Seſſione ultima.

The quhilk day, in preſence of the whole Aſſemblie, compeirit ane noble and potent Lord, George Marqueis of Huntlie, and declarit, that he had directit of befor John Gordoun of Buckie to preſent his ſupplicatioun to this preſent Aſſemblie, quherof the tenour is inſert before; lykeas of new

he reiterat the ſaid ſupplicatioun, declaring the ſorrow and greife he had conceivit, in that he had lyin ſo long vnder the fearefull ſentence of excommunicatioun; and, therfor, moſt humblie deſyrit to be abſolvit from the ſame; lykeas he faithfullie promiſed, in face of the haill Aſſemblie, to perform and fulfill the heids and conditiouns vnder ſpecifeit, viz.:

Firſt, The ſaid noble Lord faithfullie promiſed befor God, his hand holdin vp, to profeſſe and abyde be the true religioun preſentlie profeſſit within this realme, and allowit be the laws and acts of Parliament of the ſame.

2. He faithfullie promiſed to communicat at the firſt occaſioun he ſhould be requyrit, and ſo to continue, conforme to the ordour of the Kirk.

3. He ſould cauſe his childrein, ſervants, and haill domeſticks be obedient to the Kirk and diſcipline therof; and ſould cauſe them haunt the kirk at ordinar tymes of preaching.

4. He ſall not receive Papiſts, Jeſuites, nor Seminarie Preiſts in his houſe, nor nane of his lands; but put them out of his bounds with all diligence.

5. He allows the Confeſſioun of the Faith preſentlie fett downe be the ſaid Aſſemblie; and in tokin of his conſtant confeſſioun and profeſſioun therof, he hes ſubſcryvit the ſame in preſence of the haill Aſſemblie.

Quhilk haill promiſes above ſpecifiet, the ſaid noble Lord proteſts and declares that he hes made and ſubſcryvit truelie and with ane honeſt heart, but any equivocatioun, mentall reſervatioun, or ſubterfuge quhatſumevir, devyſit be the Romiſch Kirk and thair ſuppoſts.

Attour, The ſaid noble Lord faithfullie promiſes to plant his whole kirks, quherof his Lordſhip hes the teinds in tack, poſſeſſioun, or vtherwayes, at the ſight and concluſioun of my Lord Archbiſchop of Sanct Androes, the Biſhop of Murray, and the Laird of Corſe, vnto whoſe modificatioun the ſaid noble Lord ſubmitts himſelfe, be the tenour of thir preſents, giveand them power to modifie compleit ſtipends to the ſaids kirks; and as they ſalbe modified be them, he obliſches him to make payment of the ſame to the Miniſters provydit or to be provydit to the ſaid kirks.

And in reſpect of the premiſſes, the Aſſemblie ordainit the ſaid noble Lord to be abſolvit from the ſentence of excommunicatioun led and deduceit aganis him befor:

Conforme quherto, the Right Reverend Father John Archbiſchop of Sanct Androes, Moderatour, in face of the haill Aſſemblie, abſolvit the

ſaid noble Lord, George Marqueis of Huntlie, from the ſaid ſentence of excommunicatioun, led and deducit againſt him, and receivit him againe into the boſome of the Kirk.

The quhilk day, the Generall Aſſemblie of the Kirk of Scotland preſentlie conveinit, having entrit in conſideratioun of the cauſes of the defectioun and falling away of many from the true religioun, and having found the lack of the competent manteinance to Miniſters not to be the leaſt cauſe of the evills, quhilk lyes vpon the Kirk preſentlie; the ground and fundament quherof, for the moſt part, hes proceidit from the dilapidatioun of benefices, with the quhilk if ſome ſolid ordour be not takin in tyme, the ſame is apparent to bring foorth greater evill and deſolatioun in this Kirk: And ſeeing that the Kings Majeſtie hes requirit, that ordour may be takin with the ſaids delapidatiouns, Therfor, in reſpect the ſame cannot be ſuddenly done, but will requyre ane lang tyme and mature deliberatioun, the Aſſemblie hes givin, grantit and committit, lykeas they, be the tenour heirof, gives, grants, and committs thair full power and commiſſioun to the brethren vnderwrytin; they are to ſay, the Reverend Fathers in God, John Archbiſchop of Sanct Androes, James Archiſchop of Glaſgow, Alexander Biſchop of Dunkeld, ... Alexander Biſchop of Murray, Patrick Biſchop of Roſs, William Biſchop of Galloway, Andro Biſchop of Brechin, Andro Biſchop of Orknay, Alexander Biſchop of Cathneſs, Adame Biſchop of Dumblaine, Andro Biſchop of Argyle, Andro Biſchop of the Iſles, Patrick Forbes of Corſe, George Douglas, Miniſter at Cullen, Mr John Reid, Miniſter at Logie Buchan, Mr George Hay, Miniſter at Turreff, Doctour Hendrie Philip, Miniſter at Arbroth, Mr David Lindſay, Miniſter at Dundie, Mr William Scott, Miniſter at Couper, Doctour Robert Howie, Rector of Sanct Androes, Mr John Mitchelſone, Miniſter at Bruntiland, Mr Patrick Galloway, Mr John Hall, Mr William Struthers, Miniſters at Edinburgh, Mr Robert Scott, Miniſter at Glaſgow, Mr Edwart Hepburne, Miniſter at Haughe, Doctour John Abernethie, Miniſter at Jedburt, Mr William Birnie, Miniſter at Air, Mr William Erſkine, Miniſter at . . . . Giveand, grantand, and committand to them, or the moſt part of them, thair full power and commiſſioun to conveine at Edinburgh, the firſt day of December nixt to come, in this inſtant zeir of God 1616, and ther to take ordour with the dilapidatioun of benefices, and to ſett downe ſolid grounds how the progreſſe of that miſcheife might be ſtayed, and to devyſe

vpon ſome meanes to recover and reſtore the eſtate of theſe benefices, quhilk be iniquitie of tyme hes bein loſit; and if neid beis, to call and perſew befor them theſe quho hes made the ſaids dilapidatiouns, and puniſch them therfor; and as they ſall conclude, the ſame to be inactit, and have the force of this preſent Aſſemblie: With power lykewayes to the ſaids Commiſſioners, or the moſt part of them, as ſaid is, to take ordour anent the planting of ſufficient and qualified Perſons in burrowtounes preſentlie vacand, and are not plantit at this preſent Aſſemblie: With power lykewayes to receive from the right Reverend Father, James Archbiſchop of Glaſgow, and Mr William Struthers, Miniſter at Edinburgh, the Canons of Church Diſcipline committit to thair charge, and to reviſe the ſamein, allow and diſſallow therof; and to direct a ſupplicatioun to his Majeſtie, deſyreing that it wold pleaſe his Hienes to ratifie and approve the ſamein, and to warrant the printing therof be his authoritie Royall.

[Theſe words following were added by the Archbiſhop:

Item, Power to receive the books of Liturgie or Divine Service, allow and diſallow thereof, as they ſhall think expedient; and the ſame being allowed, to cauſe publiſh the ſamine in print for the ſervice, within the Kirks of all the kingdom: As alſo to reviſe the Confeſſion of Faith preſented to this Aſſemblie, and after mature deliberation to take order, that the ſame may be publiſhed: And in all theſe things to do as they will be anſwerable to God, and the Kings Majeſty, and the Church. C.]

The new Confeſſion of Faith.

We believe with our hearts and confeſs with our mouths theſe Articles of Religion following.

That God is a Spirit immutable, eternal, infinit in power, in wiſdom, in goodneſs and glory; from whom, be whom, to whom are all things, in whom we live, in whom we have our being; who is one only God, and three Perſons, which are coeſſential, coeternal, and coequal. The firſt is the Father, who is of none. The ſecond is the Son, who from all eternity is begotten of the Father. The third is the Holy Ghoſt, who from all eternity proceedeth from the Father and the Son. This glorious God from all eternity, out of his wiſdom and infinit knowledge, decreed all things that were after to be done. This God, before the foundation of the

world was laid, according to the good pleafure of his will, for the praife of the glory of his grace, did predeftinat and elect in Chrift fome men and angels unto eternal felicity; and others he did appoint for eternal condemnation, according to the counfel of his moft free, moft juft and holy will, and that to the praife and glory of his juftice.

In the beginning of time, when God created of nothing all things in heaven and in earth, vifible and invifible, he made them very good; and above all things he made man and angels conform to his own image, in righteoufnefs and true holinefs: but fome of the angels of their own free motive finned againft God, left their original, forfook their habitation, and abode not in the truth, and thereby became damned devils.

Then Satan abufed the craftie ferpent for his inftrument, feducing our mother Eva; fhe tempted her hufband Adam: So both difobeyed the commandment of God, and thereby made themfelves and their whole pofteritie the bondmen of Satan, flaves of fin, and heirs of eternal damnation.

By this fall of Adam all his pofterity are fo corrupted, from their conception and nativity, that not one of them can do, or will any thing truely acceptable to God, till they be renewed by the will and Spirit of God, and by faith ingrafted in Jefus Chrift.

This our original and native corruption by regeneration in part is weakened and mortified; yet it is finne indeed remaining in us, alwayes lufting againft the Spirit, and tempting us to fin actually, as long as we live.

Albeit all mankind be fallen in Adam; yet only thefe who are elected before all time, are in time redeemed, reftored, raifed, and quickned again, not of themfelves, or of their works, left any man fhould glory: but only of the mercy of God through faith in Jefus Chrift, who of God is made unto us wifdom and righteoufnefs, fanctification and redemption; that according as it is written, He that glorieth, let him glory in the Lord.

This then is life eternal to know the true God, and whom he hath fent Jefus Chrift: whereas vengeance fhall be taken on all them that know not God, and do not fubject themfelves to the Gofpel of the Lord Jefus Chrift, by the obedience of faith.

We believe, that the rule of this knowledge, faith, and obedience, yea and of the whole worfhip of God, and of all chriftian converfation, is not the wit nor will of man, nor unwritten traditions whatfoever; but the wifdom and the will of God, which is fufficiently revealed in the Canonical

Scriptures of the Old and New Teſtament, which are Geneſis, Exodus, &c. excluſis Apocryphis.

We believe, that the authority of the holy Scriptures is divine; for they are all of divine inſpiration, and have God for their author; their authority depends upon God, and not upon man; they have power over all fleſh, and no creature has power over them. We are abſolutely bound to believe them for their own teſtimony, which is the teſtimony of God himſelf ſpeaking in them; and our faith dependeth not upon any external teſtimony of the Kirk witneſſing of them. All things neceſſary to ſalvation are contained therein; all the doctrines of the Kirk muſt be warranted be them; all controverſies of the Kirk muſt be decided be them, as the lively and plain voice of God, who is ſupreme Judge in matters of faith and worſhip.

We believe, that all points of faith and worſhip are ſo ſet doun in the Word of God, that what is obſcurely proponed in one place, is moſt clearly exponed in other places; neither receive we any interpretation of any Scriptures in theſe matters, which is not warranted be other Scriptures.

Theſe holy writts are delivered be God to his Kirk, to make us wiſe unto ſalvation by faith in Jeſus Chriſt, whoſe perſon, office and benefits they moſt clearly and fully ſett furth unto us.

The Lord Jeſus Chriſt is declared in Scripture to be the eternal Son of God, begotten from all eternity of the Father, by whom he created the world, by whom alſo he does ſuſtain and govern all things that he has made: And this Eternal Son of God, when the fulneſs of time came, was made man of the woman, of the tribe of Judah, and of the ſeed of David and Abraham, even of the bleſſed virgin Mary, by the Holy Ghoſt coming upon her, and the power of the moſt High overſhadowing her, by whoſe marvellous and divine operation, the Son of God was made man of a human body and ſoul, and in all things like unto us, ſin only excepted; and yet ſo he was made man, that he ceaſed not to be God; and ſo is God that he is alſo man, having both the natures, divine and humane, united together in a perſonal union; ſo that in ane admirable Perſon the two natures are diſtinct, and not confounded in reſpect of their eſſence, their eſſential properties, and proper operations.

And becauſe of the union of the nature of man in one perſon with the Son of God, Chriſt, God and Man, is to be adored and worſhipped of us: for to Chriſt, God and Man, all power in heaven and earth is given, and

he hath gotten a name above every name, that at the name of Jeſus every knee ſhould bow.

The purity of the human nature of Chriſt is to be aſcribed to the ſupernatural operation of the Holy Ghoſt, who ſeparated the ſeed of the woman from the natural corruption, and not to the purity of the virgin Mary his Mother: for ſhe doubtleſs was conceived and born in ſin, and had need of her Son to be her Saviour, as well as other women.

The Lord Jeſus Chriſt, as God and Man, is the Saviour of his Kirk, which is his body; and the fulneſs of him filleth all things; neither is there ſalvation in any other thing.

This bleſſed Lord has fulfilled the whole law for us, to our behove, and in our place, both doing all that the Law requireth of us, and ſuffering the puniſhment due to our diſſobedience, even the curſe of the Law, and death of the croſs, whereby the fullfilling of the Law, our redemption was ſealed and conſummated.

We believe, that as he died for our ſin, and roſe for our righteouſneſs, ſo he aſcended to heaven, to prepare a place for us, and ſitteth at the right hand of God, to make interceſſion for us, and is able perfectly to ſave them that come to God by him; who albeit in his manhood he be ſo in the heaven, that he is no more in the earth; for the heavens muſt contain him, till he come to judge the quick and the dead; yet in his Godhead he is ſo preſent every where, be his power ſuſtaining all things, and be his gracious Spirit directing and governing his Kirk militant upon earth.

We believe, that the Lord Jeſus Chriſt was appointed and anointed of the Father to be the King, and High Prieſt, and ſupreme Teacher of his Kirk.

We believe concerning his Prophetical Office, that he is the only maſter and teacher of his Kirk, whom God be his own voice from heaven commanded us to hear; who has revealed the whole will of the Father touching our ſalvation; and what he has heard of the Father, he hath made known to us, ſpeaking nothing to his Kirk, which he did not before hear of his Father, that his Kirk might learn to receive nothing in faith and worſhip, which ſhe has not heard of him.

As concerning his Prieſtly Office, we believe, that he is our only mediator both of redemption and interceſſion; and that, by the ſacrifice of himſelf once offered on the croſs, he has made a full ſatiſfaction for all our ſins, and doth continually make interceſſion for us to God: And, therefore,

we abhorr that ſuppoſed reiterating of the ſacrifice of Chriſt in the Maſſe; and we renunce all kind of interceſſion of Saints and Angels.

As concerning the Kingdom of Chriſt, beſide his abſolute impire, whereby he ruleth all things, we believe him to be our eternal King, and only Head of his Kirk Univerſal: Neither he nor his Kirk hath any need of a Lievtenant Deput in his place; ſeeing he is preſent in his Kirk alwayes be his Spirit, powerfully working therein, calling, collecting, quickning and graciouſly ruling in her, be the Miniſtry of the Word and Sacraments, to the conſummation of the world.

We believe, that our communion with Chriſt our Head is ſpiritual, by the Holy Spirit, which dwelleth powerfully both in the body, and in the Head, making the members conform to the Head; and it is no ways corporal, or by any fleſhly receiving of his body.

We believe, that, be vertue of this communion, Chriſt is ours, and we are Chriſts, and his ſuffering is our ſatiſfaction; and by it we have right, title and intereſt in all the benefits, which he did promerit and purchaſe to us by his ſuffering.

We believe, that God juſtifies ſinners by remitting of their ſins, and by imputing to them the righteouſneſs and obedience of Chriſt, whereby he fulfilled the whole Law in our place, both in doing the commandments thereof, and in ſuffering the curſe thereof, which was due to us becauſe of our diſſobedience.

We believe, that that righteouſneſs, whereby we are juſtified before God, is not inherent in us, but in Jeſus Chriſt; and that it is freely given to us of Gods free grace, through our faith in Jeſus Chriſt.

We believe, that we are juſtified by faith, as it is an inſtrument apprehending and applying the righteouſneſs of Chriſt to us, and not as it is a quality and vertue inherent in us; ſo that the meritorious cauſe of our juſtification is not in the faith which apprehendeth, but in the righteouſneſs of Chriſt be faith apprehended.

We believe, that albeit we be not juſtified by good works before God, and can merit nothing at Gods hand; yet they are the way to the Kingdom of God, and are of neceſſity to be done for obedience to God, for glorifying of his name, for confirming ourſelves anent our election, and for good example to others: and conſtantly we affirm, that faith, which bringeth not furth good works, is dead, and availeth nothing to juſtification or ſalvation.

We believe, that the elect being renewed, are ſealed with the Holy Spirit of promiſe, in ſuch ſort, that albeit they bear about in their fleſh the remnants of that original corruption, and albeit they offend through infirmity, and through the intiſements thereof ſin grievouſly to the great offence of God: yet they cannot altogether fall from grace, but are raiſed again through the mercy of God, and keeped to ſalvation.

Concerning the certainty of our ſalvation, we believe, that every one of us in particular ought to be fully perſuaded thereof, giving credit both to the external promiſe of the Word, and internal witneſs of the Spirit. And as for the doubtings thereof, which we often find in ourſelves, we doe not allow; but contrariwiſe damne them, as the fruits of the fleſh fighting againſt our faith.

We believe, that God has appointed his Word and Sacraments, as inſtruments of the Holy Ghoſt to work and confirm faith in man.

We believe, that the Word of God ought to be preached and the Sacraments adminiſtred, and all divine ſervice, as praying and praiſing, in all languages known and underſtood by the people.

We believe, that the Sacraments are certain viſible ſeals of Gods eternal covenant, ordained be God to repreſent unto us Chriſt crucified, and to ſeal up our ſpiritual communion with him.

We believe, that the Sacraments are to be miniſtred only be them, who are lawfully called thereto be the Kirk of God.

We believe, that the Sacraments have power to confirm faith, and conferr grace, not of themſelves, or ex opere operato, or force of the external action; but only by the powerfull operation of the Holy Ghoſt.

We believe, that there be only two Sacraments, appointed by Chriſt under the New Teſtament, Baptiſme, and the Lords Supper.

We believe, that Baptiſm is neceſſary to ſalvation, if it can be orderly had: and that, therfor, not the want of it, but the contempt of it doth damne.

We believe, that Baptiſm ſealeth up unto us the remiſſion of all our ſins, whereof we are guilty, either before or after our baptiſm.

We believe, that Baptiſm is to be miniſtred ſimply in the element of water, with the rite of dipping, waſhing, or ſprinkling, in the name of the Father, Son, and Holy Ghoſt, according to Chriſts inſtitution, without other elements or ſacramental rites deviſed be men.

We believe, that the Lords Supper is to be given to all communicants, under the elements of bread and wine, according to Chrifts inftitution.

We believe, that the elements of bread and wine in the Lords Supper, are not tranfubftantiated, or changed in the fubftance of the body and blood of Chrift; but that they are facraments of his body and blood, thus changing their ufe, but not their fubftance.

We believe, that the body and blood of Jefus Chrift are truely prefent in the holy Supper, that they are truely exhibit unto us; and that we in very truth doe participat of them, albeit only fpiritually and by faith, not carnally or corporally.

We believe, that the Lords Supper is a commemoration of the facrifice of Chrift, which once offered did fully expiat our fins. With his one facrifice, once offered, we are all fully content, neither doe we feek any other expiatory or propitiatory facrifice. But as for facrifices of praife and thankfgivings, the facrifice of a contrite heart, almes and charitable deeds, thefe we ought daily to offer, as acceptable to God in Chrift Jefus.

We believe, that the facrifice and merit of Chrift is not applyed to us, by the work of a facrificing Maffe Prieft; but by that faith, which is wrought in our fouls by the Holy Ghoft, whereby the facrifice and merit of Chrift is applyed to us; and being applyed to us becometh our fatiffaction, attonement and merit.

We believe, that fouls of Gods children, which depart out of this life in the faith of Jefus Chrift, after the feparating from their bodies, immediately pafs into heaven, and there reft from their labours untill the day of judgement, at which time they fhall be reunited with their bodies, and enjoy life everlafting with Chrift: Likeas the fouls of the wicked immediately pafs to hell, there to remain till the day of judgment, which day, being conjoined with their bodies, they fhall fuftain the judgment of everlafting fire: and befides thefe two, a third place for fouls we doe not acknowledge.

We believe, that there is an holy catholick or univerfal Kirk, which is the holy company of all thefe, who, according to the purpofe of Gods eternal election, fince the beginning of the world, were called, and, to the end of the world, fhall be called to the Kingdom of Chrift, and to the communion of eternal life in him.

We believe, that the true members of his Kirk are only the faithfull, who are chofen to life everlafting.

This Kirk we believe to be but one, and that out of it there is no remiſſion of ſins to ſalvation.

We believe, that this Kirk is partly triumphant in heaven, partly militant on earth. The whole militant Kirk on earth is divided in many and diverſe and particular Kirks, which are viſible and conſpicuous to the eyes of men.

We believe not, that all theſe particular Kirks on earth are pure, but theſe only which continue in the doctrine of the Prophets and Apoſtles, according to the holy canonical Scripture, worſhipping God purely, and miniſtring the Sacraments according to the ſame. And theſe be the true marks, whereby a true viſible Kirk on earth may be diſcerned and known.

As concerning the worſhip of God, we confeſs and affirm, that all religious worſhip and ſervice is only to be given to God, as his proper due and glory, which he will communicat to no other; believing firmly, that God is to be worſhipped only according to his own will, revealed in his Word.

And, therfor, we abhorre all will worſhip, all invocation of Saints or Angels, all worſhipping of images, crucifixes, relicts, and all other things which are beſide the true God.

We believe and confeſs, that God hath ordained Kings, Princes, and Magiſtrats, for the good of Commonwealth, for the better governing in the Kirk, and to be nurſe fathers of the ſame: And, therfor, that all their ſubjects are bound in duty to obey them in all things they command lawfully, not repugnant to the will of God; and that they are oblidged to pray for them daily, that under them they may lead a godly and peaceable life.

We believe and conſtantly affirm, that the Kirk of Scotland, through the abundant grace of our Lord, is one of the moſt pure Kirks under heaven this day, both in reſpect of truth in doctrine, and purity in worſhip: and, therfor, with all our hearts we adjoyn ourſelves thereto, and to the religion publickly profeſſed therein by the Kings Majeſty, and all his true ſubjects, and authorized by his Majeſties laws; promiſing be the grace of God to continue therein to the end of our life, according to all the articles which are here ſett doun: Which as we believe with our hearts, ſo we confeſſe with our mouthes, and ſubſcribe with our hands; underſtanding them plainly as they are here conceived, without equivocation or mental reſervation whatſomever. So may God help us in the great day of Judgment.

A. D. MD.CXVII.

[The General Aſſembly was indicted by open proclamation, and found of trumpet at the Mercat Croſs of Edinburgh, upon the 4th of November 1617, to be holden at Sanct Andrewes the 25th day of that ſame month.

The Erle of Montroſe was appointed be the King to be his Commiſſioner; but excuſed himſelf with ſicknefs by a letter ſent to the Counſell four or five dayes before the time appointed for the Aſſembly. The Counſell ſent the copy of the letter to the Biſhop of Sanct Andrewes. The Biſhop returned anſwer, that the Kings ſervice muſt not be neglected. So the Lords of the Secret Counſell gave commiſſion to my Lord Binning Secretar, my Lord Carnegie, my Lord Kilſyth, the Lord Advocat, and the Treaſurer Deputy, conjunctly, or to any three of them, to ſupply his place.

After the reading of the Kings letter, wherein he willed them to conform to his deſire, otherways declared he would uſe his own authority; the brethren of the Conference were choſen. There was ſome reaſoning; but the King and Biſhops purpoſe was withſtood, both in the Privy Conference and in the publick Aſſembly. The Biſhop deſired that ſome brethren might be appointed to conſider what ſhould be granted to give his Majeſty ſatiſfaction. Mr Patrick Galloway and four others were appointed for this purpoſe. They devyſed theſe overtures following.

If any good Chriſtian, viſited with long ſicknefs, and known to the Paſtor, by reaſon of his preſent infirmitie, unable to reſort to the Church, for

receiving of the holy Communion; or being ſick ſhall declare to the Paſtor upon his conſcience, that he thinks his ſickneſs to be deadly, ſhall earneſtly deſire to receive the ſame in his houſe, the Miniſter ſhall not deny the ſame; ſo as lawful warning be given to him, at the leaſt twentie hours before, and that there be ſix perſons at leaſt of good religion and converſation, free of lawful impediment, preſent with the ſick perſon to receive; who muſt alſo provide a convenient place in his houſe, and all things neceſſare for the Miniſters reverent adminiſtration thereof, according to the order preſcribed in the Church.

To remeed the irreverent behaviour of the vulgar ſort, in receiving the holy Communion, it is found meet by this Aſſembly, that the miniſter himſelf ſhall in the celebration give the elements out of his own hand to every one of the Communicants, ſaying, when he giveth the bread, Take, eat, this is the bodie of the Lord Jeſus Chriſt which was broken for you; do this in remembrance of him: and that the Miniſter exhort them to be thankful. And when he giveth the cup, Drink, this is the blood of Jeſus Chriſt ſhed for you; do this in remembrance of him: and that the Miniſter exhort them to be thankful. And to the end the Miniſter may give the ſame the more commodiouſly, he is by adviſe of the Magiſtrates, and honeſt men of his Seſſion, to prepare a table, at the which the ſame may be conveniently miniſtred, and gravely to exhort his people, that they communicat reverently, and ſhew a humble and religious behaviour in the receiving of the ſame.

Anent the remanent of the Articles proponed to the Aſſembly, the Aſſembly after long reaſoning, in ſpecial anent preaching upon the dayes of the Nativity, Paſſion, Refurrection, Aſcenſion of our Lord, and deſcending of the Holy Spirit, having conſidered, that a great number of Commiſſioners from Synods, Burrowes, and Gentlemen, in reſpect of the ſeaſon of the year, diſtance of the place, and ſhortneſs of the advertiſement, would not be preſent; and that the moſt part of thoſe who were aſſembled, are not reſolved fully in ſome of theſe points proponed; and that they are in all loyaltie and obedience moſt willing to give his Majeſty all ſatiſfaction, and have agreed and promiſed to inform themſelves anent the ſaid Articles, wherof they preſently ſtand in doubt, and to inſtruct their people, elders and pariſhoners by all means, that all offence, which may be taken, may be removed, have thought good, that (beſide the two points, which are con-

cluded, eſpecially to give remonſtrance to his Majeſty of their moſt willing affection) the reſt of the ſaid Articles ſhall be continued to the next Aſſembly; and to that effect, that a moſt humble ſupplication may be directed by his Majeſtys Commiſſioners, and the General Aſſembly, that it may pleaſe his Majeſtie of his gracious favour to grant a continuation, and to convocat an Aſſembly for deciſion of the matters, at ſuch commodious times as his Majeſty ſhall think expedient.

A. D. MD.CXVIII.

The General Aſſembly holden at Perth the 25 of Auguſt 1618: Where, for obedience to His Majeſties Proclamation, and particular Miſſiues, the following perſons conveened.*

His Majeſties Commiſſioners, My Lord Binning Secretary, Lord Scoone, Lord Carnegie; their Aſſeſſors, Sir Gideon Murray, Treaſurer Deput, Sir Andrew Kerr of Fernihirſt, Captain of the Guard, Sir William Oliphant, the Kings Advocat, and Sir William Livingſtoun of Kilſyth: Noblemen, the Erle of Lothian, Lord Vchiltrie, Lord Sanquhar, Lord Boyd: Barones, Wauchtoun, Lutquharn, Glenurquhart younger, Clunie-Gordoun, Bonytoun-Wood, Weemes, Balvaird, Balconie, Balcarras, Balmanno, Bombie, Blackbarronrie, Lagg: Burgeſſes, for Edinburgh, David Aikenhead, George Foules; for Perth, James Aedie, Conſtant Malice; for Dundie, Mr Alexander Wedderburn younger, Robert Clayhills; for Aberdeen, Mr John Mortimer; for Stirline, Chriſtopher Alexander; for Sanct Andrewes, John Knox, Thomas Lentron; for the Univerſitie of Sanct Andrewes, Doctor Bruce; Biſhops, all except Argile and Iſles; Miniſters, Commiſſioners from Preſbytries.

In the morning, Patrick Biſhop of Aberdeen preached a ſermon upon Ezra vii. 23. Whatſoever is commanded by the God of heaven, let it be diligently done for the houſe of the God of heaven: for why ſhould there be wrath againſt the realm of the king and his ſons. The other ſermon at

* The proceedings of this Assembly have been taken from Bishop Lindsay's "True Narration," &c.; and from Calderwood's "Perth Assembly," and his printed and manuscript Histories.

ten hours was preached be John Archbiſhop of Sanct Andrewes, in the Little Church, on 1 Cor. xi. 16. But if any man ſeem to be contentious, we have no ſuch cuſtom, neither the churches of God.

The Sermon ended, the Archbiſhop of Sanct Andrewes came to the Table, at which his Majeſties Commiſſioners, Noblemen, and other members of the Aſſembly, were ſitting, and placed himſelf at the head of the table, in the Moderators chair beſide his Majeſties Commiſſioner.

After prayer, the Archbiſhop calling for the ordinarie Clerke of the Aſſembly, was anſwered, That Maſter Thomas Nicholſon, who formerly ſerved the Church in that place, had demitted his office in ſavour of Maſter James Sandelands Aduocate: This he notified to the Aſſembly, as that which he had vnderſtood before, and ſhewed that the ſaid Maſter James was a man ſufficiently qualified for the place, of good report, and one that by his education and pleading might further the particular buſineſſe of Miniſters before the Seſſion. He deſired the Aſſembly to conſider what was fitteſt to bee done, and aduiſe whether they would receiue the ſaid Maſter James in the others place or not: The voyces of his Maieſties Commiſſioners, the Noblemen, Biſhops, and diuers of the Miniſters being aſked, they all without exception agreed to his receiving. And the ſaid Maſter James being recalled (for while the voyces were aſked, he was remoued) had an oath miniſtred vnto him, for his diligent and faithful diſcharge of that ſeruice.

The ſaid Maſter James Sandelands being admitted, command was giuen to all that had intereſſe in the ſaid Aſſembly, to giue in their commiſſions to him before the next ſitting; and nomination was made of certayn for the Conference, according to the order kept in other Aſſemblies; in which beſides the Biſhops, Noblemen, Barons, and Commiſſioners of Burrowes, the moſt wiſe and learned of the Miniſtrie were named indifferently, without any reſpect had of their opinions and priuate inclinations.

At this time it was moued by Mr George Grier, Miniſter at Hadingtoun, That the libertie of the Church might bee kept in the chooſing of a Moderator; which the Archbiſhop of Sanct Andrewes repreſſed, ſaying to the proponer, That he did not expect him to be a trowbler of the Church, and the buſineſſe thereof; and that the Aſſembly was met within the bounds of his charge, wherein ſo long as he ſerued, he truſted none would uſurp; at which he kept ſilence: and ſtreight wayes aroſe another, who aſked whether all the Noblemen and Barons preſent ſhould have voyce, or

not, and if the whole Miniſters that were met there, ſhould haue voyces alſo: The Archbiſhop of Sanct Andrewes anſwered, that the order obſerued in former Aſſemblies ſhould here be kept, and no Miniſters have voyce that lacked a commiſſion: But as for Noblemen, and Barons who were come thither vpon his Majeſties miſſiues, he truſted none there would denie them voyce, ſpecially ſince in the Aſſembly that proceeded at Sanct Andrewes, it was one of the reaſons they made for differring the concluſions of matters, That none of the Noblemen, or Barons were then preſent to aſſiſt the proceedings of the Church.

It was deſired alſo, that the Articles to bee entreated, might bee extended in ſuch forme, as his Maieſtie deſired them to paſſe, and that ſome might be ſet apart to collect the reaſons that ſhould be proponed, for, or againſt the Articles, that the whole Aſſembly might have the cleerer information. To this it was anſwered, that the Conference was to conſider of theſe things, and what might ſerue beſt to prepare matters for the whole Aſſembly.

The Archbiſhop commanded his Majeſties letter which was preſented by Doctor Young Deane of Wincheſter, and directed to the Aſſembly, to be publickely read: The Tenor whereof followeth.

James Rex,

Right reuerend Fathers in God, Right truſtie Couſins, and Counſellors, and others our truſtie and welbeloued ſubiects, We greet you well: Wee were once fully reſolued, neuer in our time, to haue called any moe Aſſemblies there, for ordering things concerning the policie of the Church, by reaſon of the diſgrace offered vnto Us in that late meeting at Sanct Andrewes, wherein Our juſt and godly deſires were not onely neglected, but ſome of the Articles concluded in that ſcornfull and ridiculous forme, as we wiſh they had been refuſed rather with the reſt: Although at this time We ſuffered ourſelfe to be intreated by you our Biſhops, for a new Conuocation, and have called you together, who are now conuened for the ſelfe ſame buſineſſe which then was vrged; hoping aſſuredly, that you will haue ſome better regard of our deſires, and not permit the unruly and ignorant multitude, after their wonted cuſtome, to ouerſway the better and more judicious ſort; an euill which we have gone about with much paines to haue amended in theſe Aſſemblies, and for which purpoſe according to Gods ordinance, and the conſtant practiſe of all well gouerned Churches in all ages, Wee have placed you that are Biſhops and ouerſeers of the reſt in the

chiefeſt roomes. You plead much, Wee perceiue, to haue matters done by conſent of the Miniſters, and tell Us often, that what concernes the Church in generall, ſhould be concluded by the aduiſe of the whole, neither doe Wee altogether diſlike your purpoſe: for the greater conſent there is amongſt your ſelues, the greater is Our contentment. But Wee will not have you to thinke, that matters proponed by Us of that nature, whereof theſe Articles are, may not without ſuch a generall conſent be enjoyned by Our authoritie: This were a miſknowing of your places, and withall a diſclaiming of that innate power, which We haue by our calling from God, by the which Wee haue place to diſpoſe of things externall in the Church, as Wee ſhall thinke them to be conuenient, and profitable for aduancing true Religion amongſt our Subiects. Therefore let it be your care by all manner of wiſe and diſcreete perſwaſions to induce them to an obedient yeelding vnto theſe things, as in dutie both to God, and Vs, they are bound: And doe not thinke, that We will be ſatiſfied with refuſes, or delayes, or mitigations; and We know not what other ſhifts have beene proponed: for Wee will content Ourſelues with nothing, but with a ſimple and direct acceptation of theſe Articles in the forme by Vs ſent vnto you, now a long time paſt; conſidering both the lawfulneſſe, and vndeniable conueniencie of them for the better furthering of pietie and religion amongſt you. And it ſhould have rather becommed you, to have begged the eſtabliſhment of ſuch things of Vs, then that Wee ſhould thus neede to be put to vrge the practiſe of them vpon you. Theſe matters indeede concerneth you of the Eccleſiaſticall charge chiefly. Neyther would Wee haue called Noblemen, Barons, and others of our good Subiects, to the determining of them, but that Wee vnderſtand, the offence of our people hath beene ſo much obiected; wherein you muſt beare with Vs to ſay, That no Kingdome doth breed, or hath at this time, more louing, dutifull, and obedient ſubiects, then Wee haue in that our native Kingdome of Scotland; and ſo if any diſpoſition hath appeared to the contrarie, in any of them, the ſame We hold to have proceeded from amongſt you: Albeit of all ſorts of men, yee are they, that both of duetie were bound, and by particular benefits obliged, to have continued yourſelues, and by your ſound doctrine and exemplarie life, kept others in a reuerend obedience to our commandements. What, and how many abuſes were offered Vs by many of the Miniſtrie there, before our happie comming to this Crowne, though we can hardly quite forget, yet We little like to remember. Neither thinke We, that any Prince

liuing could haue kept him felfe from falling in vtter diflike with the Profeffion it felfe, confidering the many prouocations that were giuen vnto Vs; but the loue of God and his truth ftill vpheld Vs; and will by his grace fo doe vnto the end of our life: Our patience alwayes in forgetting, and forgiuing many faults of that fort, and conftant maintaining of true Religion againft the adverfaries (by whofe hatefull practifes We liue in greater perrill then you all, or any one of you,) fhould haue produced better effects amongft you, then continuall refiftance of our beft purpofes. Wee wifh Wee be not further prouoked, and Gods truth, which you profeffe, of obedience vnto Principalities and Powers, bee no longer neglected, and flandered by fuch as, vnder the cloake of feeming holineffe, walk vnruly amongft you, fhaking hands as it were, and ioyning in this their difobedience vnto Magiftracie, with the vpholders of Poperie. Wherefore, our heartie defire is, that at this time you make the World fee by your proceedings, what a dutiefull refpect and obedience you owe to Vs, your Souereigne Prince, and naturall King and Lord; that as Wee in loue and care are neuer wanting vnto you, fo you in an humble fubmiffion vnto our fo juft demands, be not found inferiour to others our fubiects in any of our Kingdomes; and that the care and zeale of the good of Gods Church, and of the advancing of Piety, and Truth, doth chiefly incite Vs to the following of thefe matters; God is our Witneffe: The which, that it may be before your eyes, and that according to your callings you may ftriue in your particular places, and in this Generall Meeting, to do thefe things which may beft ferue to the promouing of the Gofpel of Chrift, euen our prayers are earneft vnto God for you: Requiring you in this and other things to credit the bearer hereof, our truftie Seruant and Chaplaine, the Deane of Winchefter, whom We have expreffly fent thither, that he may bring vnto Vs a true relation of the particular carriages of all matters, and of the happie euent of your Meeting, which by Gods bleffing (who is the God of Order, Peace and Truth) Wee doe certainly expect; vnto whofe gracious direction Wee commend you now and for euer.

Giuen at Theobalds, the 10 Julij 1618.

This Letter being once read, and again: The Archbifhop protefted that neither he, nor the Kirk of England had craved thefe novations, nor given counfel thereanent, and it was againft his will that ever they were mentioned; yet that now he is perfwaded, that his Majeftie will be more glade

of the consent of this Assembly to the five Articles, than of all the gold of India.

The Archbishop then desired Doctor Young to speake, if so hee had any thing to say for seconding the Letter, whereof he was Messenger. And his words were these that followes.

Most Honorable, most Reverend, right Worshipfull, and dearly beloued: It might well become me, according to the example of Elihu in the Historie of Job, in presence of so wise, so graue, so religious, and learned an Assembly, to wait in silence till the more ancient in years had spoken: but that I know that the Souereigne Maiestie of our gracious Lord and Master the King, who hath regarded so much the lowlinesse of his seruant, as to send me vnto you at this time, to be the messenger of his will and pleasure, now openly read in your ears, will procure attention vnto a few words, which shall be vttered with the vprightnesse and sinceritie of a heart wholy deuoted, as vnto the glory of God, and honour of our great Master the King; so to the happy, free, and flourishing estate of this Church and Kingdome, vnto which I am tyed by so many strong bands; that Moses the friend of God, and Paul that chosen vessell of Christ, who are recorded in the holy Scriptures to haue exceeded in their affection to the people of Israel, their deare countreymen, did not in that owe more vnto them, then that which you all wel know I owe vnto you; and would to God I were as able to pay so iust a debt, as I am, and euer shall be most ready and willing to acknowledge it; Hic amor meus pondus meum: for from this loue and dutie I owe vnto this place of my first and second birth, (God hee best knowes) how the sorrowes of my heart haue bin inlarged, since the time of the last Generall Assembly at Saint Andrewes, to hear such words of indignation and just displeasure, so often to proceed out of the mouth of so good and so gracious a Prince, like Moses the meekest man vpon the face of the earth: Sed verendum etiam atque etiam quo exeat patientia tam saepe laesa: Words spoken against these that are called to be Ministers, Embassadors of peace, and patternes of pietie and obedience; vttered in the ears of them, who labour indeed, as it becommeth so loyall and louing subiects, by their humble and dutifull obedience vnto his sacred Maiestie, to outstrip those that went before them; and albeit they haue the last, yet not to haue the least portion in our Davids loue. But as then with all good and well affected men I much grieued, so now I heartily rejoyce and praise God, that

notwithſtanding of all that is paſt, I haue liued to ſee this day a Generall Synod once more of the Church of Scotland, called by the authority and expreſſe command and pleaſure of our Souereigne Lord the King, which is the only true and beſt meanes indeed, vſed in all ages for extirpating of all Sects, Errors, and Hereſies, and for the planting of truth, and good order in the Church of Chriſt. And I pray God, that all things at this meeting may, by the direction of Gods good Spirit, and by your Wiſdomes, be ſo carryed, that you abridge not your ſelues and poſterity of ſo great a bleſſing, and procure that not only theſe things which are now required, but that other things more difficult bee injoyned and enforced vpon you, vpon ſtrict penaltie by Supreme Authority. And therefore I deſire (as I am ſent to that purpoſe) with the Apoſtle Titus 3. to put you in remembrance, that you bee ſubiect to Principalities and Powers, and that you bee obedient, and ready to euery good worke: to put you in remembrance, that, by the great bleſſing of Almightie God, you haue to doe with ſo wiſe, ſo potent, ſo religious, ſo learned a Prince, the matchleſſe mirror of all Kings, the nurſing Father of his Church; that he whoſe wiſdome and authoritie is, in the compoſing of all differences both Eccleſiaſtical and Ciuill, ſo much required, reſpected, and admired, not only by his own people of his other Kingdoms, but by all good Chriſtians of forrein Nations throughout the Chriſtian world, may not ſeeme to be neglected by you his native ſubiects at home; and you eſpecially of the Miniſterie, who ought to be examples and patternes of obedience vnto others, you whom he hath ſo infinitely obliged by his ſo great bountie and conſtant loue: To put you in remembrance, that as with no ſmall diſreputation vnto his Maieſtie, and diminution as it were of his princely authoritie, in the iudgment and ſight of the world, whoſe eyes are bent vpon theſe proceedings, he hath granted you ſo long time, by your Chriſtian and godly endeuours with your ſeverall flockes (whom you are to leade, and not to be led by them) to remoue (as you promiſed both to his Majeſty being here amongſt you, and againe confirmed at your laſt Generall Synod,) all thoſe ſcandals, which might be taken by the more ignorant and vnaduiſed ſort of your people, to whom all innouations, though to the better, may ſeeme at the firſt ſomewhat ſtrange: ſo that now you would bee carefull, as much as in you lyeth, to take away that more dangerous and open offence and ſcandal, which by your delay, and refuſall of obedience, you ſhall caſt vpon the ſacred perſon of our Soueraigne Lord the King, the moſt conſtant and zealous Protectour and Defender of that Faith and Truth, which wee all profeſſe, and for the which

he hath ſuffered ſuch open gaineſaying of the aduerſaries thereof, the limbes of Antichriſt; as if hee, who hath laboured ſo much to exalt the glorie of this Nation farre aboue all his predeceſſours in the eyes of the World, now going about moſt of all to humble vs vnto our God, and in the performance of the Act of greateſt deuotion, according to his owne example, to bring vs vnto our knees, did in ſo doing any way vrge his ſubiects to any thing, which might fauour of Superſtition or Idolatrie: To remoue the ſcandall from thoſe who are in authority amongſt you, and are ſet ouer you in the Lord, who by their dutifull obedience vnto God, and their Soueraigne, haue alreadie, both by their doctrine and practice, commended thoſe things, which now are required of you, to be both lawfull and expedient: To take away that ſcandall and aſperſion, which by the ſeeming reaſons of your former refuſall, or delay, you haue caſt vpon others ſo glorious reformed Churches, as if the Holy Ghoſt, and Spirit of reformation had beene giuen onely to, and ſolely reſted vpon you: To remoue that notorious and publique ſcandall, which by the fierie and turbulent ſpirits of ſome few priuate men, lyeth heavie vpon the feruent and zealous Profeſſours of the glorious Goſpel of Chriſt, as if they alſo were diſobedient vnto Magiſtracie, and in this did ſeeme to ioyne hands with the maine vpholders and pillars of Poperie. It hath wounded the ſpirits of good men to hear it often ſpoken, Nec dicatur (utinam amplius) Gathi, et in plateis Aſkelonis; nay to ſee it in print, that Herod and Pilate were now reconciled again, if not contra Chriſtum Dominum, yet contra Chriſtum Domini: Laſtly, to preuent that lamentable miſerie and calamitie, which God in his juſtice might bring vpon this Church, in that you regarded not the bleſſed time of your viſitation, and deſpiſed the long ſuffering and great goodneſſe of God, and of ſo bountifull and gracious a Soueraigne. And ſo to conclude, (for to ſtand now upon particulars were but actum agere, and you need no gleanings after ſo plentifull an harveſt, or the light of a candle being inlightned by the cleare beames of the ſunne,) with that of Naamans ſeruants, 2 Kings 5. vnto their Lord and Maſter: Father, if the Prophet had commanded thee a greater matter, ſhouldeſt thou not haue done it? &c. So, right reuerend Fathers and Brethren in Chriſt, if our moſt gracious Soueraigne Lord, who hath done ſo much for you, had commanded you greater things, ſo long as they might ſtand with the will of God, and in no waies be repugnant vnto the ſame, (for in that caſe indeed, the Apoſtles rule holds inuiolably true, δει πειθαρχειν θεω μαλλον η ανθρωποις, that we muſt rather obey God, then men) ſhould you

not haue beene readie yourſelues, and by your doctrine and practiſe haue induced others to obedience? much more then, when he requireth of you but theſe few neceſſarie things, neceſſary and expedient for the glorie of God, for the aduancing of pietie amongſt you; for the honour and due ſatiſfaction vnto our Soueraigne Lord the King; for the happy eſtabliſhing of order, peace, vnion, and loue amongſt your ſelues, and in theſe vnited Kingdomes. Therefore let me beſeech you in the bowels of Chriſt to giue all their due, Quæ Cæſaris, Cæſari, quæ Dei, Deo. And as Conſtantine the Great (as Euſebius hath it) wrote vnto his Churchmen, that troubled his peace and other weightie affaires, with their contentious humours; ſo let me intreat you in the behalfe of our Conſtantine, Qui dum rogat, jubet: Date illi dies tranquillos, et noctes curæ et moleſtiarum expertes; that ſo he may with much ioy and contentment of heart, yet once more, as he propoſeth, if not often, viſit your coaſts, and thoſe places which his ſoule loueth; and that this poore Church, and his natiue Kingdome, may be made euer more and more happie by his comming, and long, peaceable, and proſperous reigne: And God and men ſay Amen vnto it. Amen: Amen.

The Miniſters defenders of the eſtabliſhed order, required four things. 1. That none be admitted to vote, but ſuch as were authorized by lawful Commiſſion. The Archbiſhop anſwered, his Majeſty had written to Noblemen and Barrones, willing them to be preſent at this Aſſembly: If any man had any exception againſt them, they ſhould be heard. It was replied, that they were not to except againſt their honorable perſons or preſence; but earneſtly to crave, that the order of the Church might be obſerved, whereby it is provided, that without Commiſſion none have place to vote in General Aſſemblies.

2. That the libertie of the Church be not broken in the election of the Moderator, and that a lawful leet be made to that effect. It was anſwered by the Archbiſhop, that this Aſſembly is convocat within the bounds of his Diocie; he would underſtand, who would take his place over his head.

3. That the Articles, proponed in ſhort and general ſummes, might be put in forme, and amply extended, as his Majeſty would have them enacted, that they be the better adviſed on and conſidered. The Archbiſhop anſwered, let alone theſe toyes, trouble us not with needleſs queſtions; we ſhall ſpeak of theſe things in the Privie Conference.

4. That ſome of either opinion may be ſet apart to collect, and put in order the reaſons of either ſide, for the more ſure and eaſie information of the Aſſemblie. The Archbiſhop rejected this alſo, as impertinent.

The Archbiſhop proceeded to the nomination of the Privie Conference, before that the Clerk had received the Commiſſions.

There was choſen to be upon the Privie Conference, the Kings Commiſſioners, and Aſſeſſors, the Erle of Lothian, the Lord Ochiltry, the Lord Sanchar, the Lord Boyd: Barons Waughton, Weymes, Balcolmie, Bogie, Clunie, Glenvrquhart, Balcarras, Lagge, Balmanno, Bonintoun: Miniſters, Mr Patrick Galloway, Mr Henry Blyth, Mr John Weymes, Mr George Grier, Mr John Carmichael, Mr William Scott, Mr Alexander Gladeſtanes Archdean of Sanct Andrewes, Doctor Philip, Doctor Strang, Doctor Bruce, Mr John Hay Parſon of Ranfrew, Mr Thomas Muirhead, Mr Michael Wallace, Mr Thomas Ramſay, Mr James Knox, Mr Robert Henriſon, Mr John Guthrie, Mr John Malcolm, Doctor Forbeſs, Mr George Dowglaſs, Mr Patrick Dumbar, Mr James Biſhop, Mr George Chalmers, Mr James Simſon, Mr Robert Sommer, Mr David Lindſay, Mr David Monro, Mr Archbald Moncrieff, Mr James Burdoun, Mr John Mackenzie, Mr John Mitchelſon, Mr Patrick Shaw, Mr James Hammilton Dean of Glaſgow, Doctor Hammilton: The Commiſſioners of Edinburgh, Perth, Dundie, Aberdeen, Glaſgow: And all the Biſhops.

After the ſaid nomination, the Conference was appointed to conveen at three afternoon; and the Aſſembly at eight hours to-morrow morning.

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[Tueſday at afternoone.]

The Conference conveened at three afternoon. After Prayer, the Kings Letter was read againe. Then the Archbiſhop requeſted them to conſider, by what means matters might moſt eaſily be brought vnto a point. He ſaid that there appeared but two wayes: One whereof was by diſputing the Articles, which was likely to conſume a long time, and breed irritation, rather than any contentment elſe: The other was by a calme and wiſe conſultation to conſider how the ſaid Articles might be receiued in all the Churches with leaſt offence, and conclude the ſame; ſpecially ſince they

had promiſed in the laſt Aſſembly to reſolue themſelues and others, of the equitie of the points required; and which they like beſt, he deſires them to chooſe.

He affirmed, that four Articles were already concluded in the Aſſemblies holden laſt at Aberdeen, and Sanct Andrewes, howbeit not in forme as his Majeſty required; and that kneeling only reſted to be conſented to. To prove his allegeance, a minute was read, containing the points conferred on at the places foreſaid, and no farther evidence was produced. He added that his Highneſs altogether refuſed the cautions and conditions added by the ſaid Aſſemblies, as fruſtrations of his intention. He affirmed his Majeſty was ſtill offended at the Aſſembly holden at Sanct Andrewes: for removing of that offence, he would have had the Article of kneeling put to voting in the Conference without reaſoning.

The greater part eſteeming, that ſuch as were contrary minded, would never receiue ſatiſfaction, vnleſſe matters were firſt reaſoned; and that it ſhould bring a ſore imputation vpon the Aſſembly to conclude any thing, which had not been firſt debated by arguments, vrged the diſputing of the Articles, which was of the reſt condeſcended vnto. Then it being proponed, if they would take the ſaid Articles in order, or beginne with the moſt controverted, they agreed vniformly to treat of kneeling at the receiuing of the holy Sacrament in the firſt place, hoping that ſatiſfaction being giuen in that Article, the leſſe ſcruple ſhould be made to the reſt.

So according to the order, two were named to diſpute that Article, to wit, Doctor Henrie Philip and Doctor William Forbes for the one ſide; and Maſter William Scot and Maſter John Carmichael for the other: Theſe two laſt named, after a graue proteſtation made of their unwillingneſſe to be heard oppoſing to any matter, for the which his Maieſtie ſeemed ſo earneſt, excuſed themſelues by the neceſſity of the commandment, and their owne reſolutions, which they held to bee well grounded, wiſhing that no offence might be taken at their ſpeeches, which they ſhould be carefull of, and ſay nothing but with that reuerence which become them in ſo honourable an hearing. And then adding, that the contrary order had beene long kept in this Church with great profit, and the comfort of many good Chriſtians: if now any would preaſſe to aboliſh that which had been in force, and draw in things not yet receiued, they bee holden to prooue, eyther that the things vrged were neceſſary and expedient for our Church; or the order hitherto kept, not meet to be retained. And for this purpoſe

they alleadged a paſſage of Maſter Hooker, in his Preface before the Bookes of Eccleſiaſticall Policie, wherein hee craues, that ſuch as ſeeke the reformation of Orders Eccleſiaſticall in the Church of England, ſhould content themſelues with the opponents part, and be ſubiect to prooue theſe two things mentioned. It was replyed, that the difference of their caſe and ours was great: for there a few priuate men deſired the Laws publickely eſtabliſhed to bee inuerted, and it was good reaſon, that ſuch ſhould bee put to their confirmation of what they proponed: but heere the Prince, that by himſelfe had power to reforme ſuch things as were amiſſe in the outward policie, required to haue the change made: and therefore it concerned them to bring reaſons, why his Maieſties propoſitions ought not to bee granted. This they declined for a great while, ſtill proteſting the reuerence they beare to his Maieſties commandments; and without mentioning that which they would not oppoſe in Theſi, they wiſhed this queſtion to be reaſoned: Whether kneeling, or ſitting at the Communion were the fitter geſture.

It was anſwered, that the queſtion could bee no other wayes proponed then thus: His Maieſtie deſires our geſture of ſitting at the Communion to be changed into kneeling: Why ought not the ſame to be done? If it could bee ſhewed by the Word, or by any neceſſary conſequent deduced out of the ſame, that his alteration craued, ought not to bee granted, becauſe impious or vnlawfull, that ſhould be enough humbly to decline the deſire: and if otherwayes they could bring no argument to the contrary, a neceſſitie lay vpon vs to obey.

An houre or more was ſpent in ſuch ſpeeches, they declining ſtill to giue any argument, and offering themſelues to anſwer ſuch reaſons, as any man would propone for the alteration deſired: whereupon the Archbiſhop of Saint Andrewes ſaid, that if none would reaſon, he would put the Articles to voyces.

Then they proponed, that reaſoning ſhould bee publicke, and in face of the whole Aſſembly: It was replyed, that nothing ſhould be in Conference concluded to the preiudice of the Aſſembly; alwayes matters muſt firſt be brought to ſome point in the Conference, and thereafter proponed to the whole number, who ſhould be heard to reaſon of new, if he lifted.

Hereupon they reſolued to fall into diſpute, and firſt, Maſter John Carmichael brought an argument from the cuſtome and practice of the Church of Scotland, which had beene long obſerued, and ought not to be altered,

except the inconuenience of the preſent order were ſhewed, and the deſired geſture qualified to bee better. It was anſwered, that howeuer the argument held good againſt the motions of priuat men, yet his Maieſtie requiring the practice to be changed, matters behoued to admit a new conſideration; and that becauſe it was the Prince his priuiledge, that had the conſeruation and cuſtodie, as well of the Church, as of the Commonwealth, to call in queſtion Cuſtomes and Statutes which he perceiued to breed any inconuenience in the ſtate, euen by himſelfe, it could not bee denyed, that in a Church Aſſembly, ſuch as that was, his Maieſtie might lawfully craue an innouation of any Church Rite, which hee eſteemed not to be conuenient for the time.

From this argument, they went to another of Chriſt and the Diſciples ſitting at the firſt inſtitution; in diſcuſſing whereof, they were brought to acknowledge the geſture not to bee of the eſſence of the Sacrament, but alterable at the diſcretion of the Church: Only they held the cuſtome formerly receiued to bee the better.

This was the proceeding of the firſt Conference, wherein becauſe matters could not be brought to any point, continuation was made to the morrow after, and they warned to meete again at eight of the cloke in the morning.

Wedneſday the 26 of Auguſt.

The Conference being met as was appointed, after inuocation of the Name of God, the Reaſoners were deſired to proceed where they had left the night before, and not to triffle time with ſpeeches of ſmall conſequence. The reaſoning continued from eight vnto eleuen of the cloke. And when the whole reaſons proponed by the two forenamed, were in the iudgement of all men ſatiſfied; others were required, and had place giuen them to propone their arguments alſo, which was done in good order, and with ſuch modeſtie as could be wiſhed.

The Archbiſhop deſired theſe of the Conference, to giue their iudgement in the matter reaſoned. They opponed, that the cuſtome was not to vote in Conference any matter, before it were brought to the full Aſſembly; but it was proued otherwiſe by theſe who had frequented the Aſſemblies, both of old and in the latter times; as likewiſe it was told them, that theſe

Conferences refembled the meeting of the Lords of Articles in Parliament, where matters are accuftomed to bee prepared and put in order, before they bee proponed to the whole State: and that the voting in Conference was by way of aduice onely, and not to determine; the power whereof belonged onely to the Affembly. This being acknowledged by the whole number to bee fo, they offered that were prefent, to giue their owne iudgement without preiudging the Affembly; as accordingly they did: The whole number, fome ten or eleuen excepted, declaring that by the reafons proponed, or any thing elfe they conceiued, they could not deny, but a change might bee made of the gefture in receiuing the holy Sacrament; and that it feemed conuenient for the Church to embrace the Article proponed by his Maieftie about kneeling, in regard of his defire and refolution to haue the fame forme here eftablifhed.

After the aduice concluded to bee giuen to the Affembly in this point, it was thought meet, that the Article prefently reafoned, with the other Articles proponed by his Maieftie, fhould all of them be formed in the beft and moft agreeable words that could be deuifed, for remouing all offence that might bee taken at the fame, and no aduantage giuen to the aduerfaries of the Truth: and to this effect were named fome graue and wife Brethren, who were defired to haue the fame in readineffe at four of the clocke in the afternoone; it being thought meit, that the full Affembly fhould not meet before Thurfday again, at which time all might be prepared.

Wednefday at afternoone.

Albeit the meeting of the full Affembly was defferred to the next day, yet that afternoone, the whole number thronging in, whether that they were not aduertifed of the delay, or that they defired to bee prefent with the Conference, came thither; which the Archbifhop perceiuing, he tooke occafion to excufe the delay of meeting with them, declaring how farre they had proceeded, and that the Conference had committed the Articles to bee formed vnto certayne Brethren, who were at that time to prefent them; and therefore defired they fhould haue patience till the morrow, and leaue the Conference for that time by themfelues, which they did.

How foone they were remoued, thefe who were appointed to forme the Articles, being inquired what they had done, anfwered, That they had

formed the Article about kneeling, but had no leiſure to conſider of the reſt: This being read, which they had put in forme, was well liked of, and they required to haue the reſt in readineſſe at the time of the Aſſemblies meeting the next day.

The reſt of that afternoone was ſpent in the deuiſing of ſome overture for the reſtraining of Simony, to bee proponed to the whole Aſſembly, which the next day after was by vniuerſall conſent allowed: As likewiſe, the Commiſſion for the planting of the Church of Edinburgh; and the forming of the Booke of Common Prayers; and extracting of the Canons of the Church. And thus ended this Conference.

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Thurſday the 27 of Auguſt.

That day being an ordinary day of preaching, a Sermon was made by the reuerend Father in God William late Biſhop of Galloway.

The Aſſembly being met in full number, to take ſome concluſion in the buſineſſe, for which they were conuened, after inuocation of the Name of God, it was declared vnto them, that by the labours of the Conference in their private meetings, the Articles proponed by his Majeſtie were brought and reduced into that forme, as it reſted for the Aſſembly to conſider, whether or not the ſame ſhould be receiued in our Church; and to moue them the rather to condeſcend, his Maieſties reſolution to haue the Articles receiued, was declared, and how no other anſwere could ſatiſfie, but granting of the ſaid Articles. They were likewiſe remembered of their promiſes made to his Maieſties ſelfe at Saint Andrewes, and in the laſt Generall Aſſembly, and had the lawfulneſſe, and indifferencie of theſe matters at length of new expounded vnto them; neither was any of their common pretexts left vnanſwered, place being giuen to all that would reaſon againſt any one of the Articles, to doe the ſame. And while ſome of them inſiſted by long ſpeeches to haue a continuation made of matters to another Aſſembly, and a ſupplication ſent to his Majeſtie for ſome longer delay, his Highneſſe Commiſſioners hauing vrged a preſent anſwere, they were deſired to ceaſe, and not to triffle time with vnneceſſary ſpeeches, ſeeing matters ſhould receiue deciſion before they went foorth of doores.

Doctor Lindſey his anſwere, being poſed on conſcience to declare his

iudgement touching kneeling at the Sacrament, was this, On my conſcience I neither know Scripture, reaſon, nor antiquitie, that enforceth kneeling, ſitting, ſtanding, or paſſing, as neceſſary; but thinke them all indifferent: and therefore, that any of them may bee lawfully vſed, when it is found expedient. And conſidering nothing to be more expedient for the weale of our Church, then to keepe peace with our gracious Soueraigne, and not to contend for ſuch matters, I iudge, yeelding to his Highneſſe deſire to bee the onely beſt.

The Miniſters with modeſt importunity inſiſted, that the matters depending might be better cleared by farther reaſoning and adviſement, ſo much the rather becauſe theſe matters had not been reaſoned in full Aſſembly, for the information of all theſe that had intereſt. And ſuppoſe all this had been done in the Conference; yet all was new to the full Aſſembly, and ought to be repeated and fully diſcuſſed for information of all voters. Many Miniſters had not ſo much as acceſs to hear or propone one argument. They had no ſeats provided for them as the other party had. After much dealing, and many earneſt ſpeaches and deſires to be heard, liberty was granted to a few, but with ſuch checks and limitations to the party that preſſed to propone and reaſon, that quickly they were cut off, and ſourly rebuked; rather borne down with authority, than ſatiſfied with reaſon. His Majeſties chief Commiſſioner, Secretary Hamiltoun, and the Archbiſhop ſtraitly enjoyned them, either to propone a new reaſon, or elſe to hold their peace, when as the argument had either not been proponed in Conference, or if proponed not anſwered; or if anſwered, not ſuffered to be replyed to. In a word, the Archbiſhop profeſſed plainly, that neither their reaſons nor their number ſhould carry away the matter. Theſe Articles muſt be concluded, and ſhould be concluded; although there were none but the eleven Biſhops, with the authority of his Majeſties Commiſſioners, they ſhall impoſe them. Some velitation there was about holy dayes; but nothing ſpoken of the three other Articles. The Kings chief Commiſſioner and the Biſhops reſolved to end all at this Seſſion.

The Miniſters not being permitted to reaſon, and purſue their arguments verbally with ſuch liberty as was requiſit, and fearing preiudice in voting, gave in ſome Articles in writt, to be conſidered before the five Articles were put to voting, profeſſing they were ready to preſent in writt particular reaſons againſt every one of the ſaid Articles. The preſenter Mr John Scringeour Miniſter at Kinghorne was commanded to ſubſcribe them, and

was rebuked as not having Commiſſion. They ſuſpected he was to preſent a Proteſtation againſt the proceedings of the Aſſembly; for preventing whereof they had declaimed before againſt the Proteſtation, ſubſcribed at the laſt Parliament, as treaſonable and ſeditious. But when he was perceived to ſeek a pen to ſubſcribe, the Archbiſhop receiued them out of his hands, and deſired the Clerk of the Aſſembly to read the ſame. Two of them were read, and when they were perceiued to contain no matter of moment, or any new thing, which had not been before talked of, they were caſt by, as not deſeruing any conſideration.

The Articles preſented to the Aſſembly, Auguſt 27. With ſome quotations, added for confirmation.

For as much as we haue been debarred of acceſſe, and from hearing the proceedings of the Conference, their reaſonings, conſultations and aduiſements, anent the Articles proponed to this General Aſſembly; whereof all, and euery one of them ſo nearly touches vs, in our Chriſtian reſolution, and offices of our Miniſtry: in moſt humble manner wee preſent to your conſideration the particulars hereafter ſpecified, in the feare of God, intreating your ſavourable anſwere to the ſame.

1. The articles proponed, if they be concluded, they doe innouate, and bring vnder the ſlander of change the eſtate of this Church, ſo aduiſedly eſtabliſhed by Eccleſiaſticall Conſtitutions, Acts of Parliament, approbation of other Kirks, and good liking of the beſt reformed Kirks without and within this Kingdome, and ſo euidently bleſſed with happy ſucceſſe, and ſenſible experience of Gods greateſt benefits, by the ſpace of fiftie eight yeares and aboue; ſo that wee may boldly ſay to the praiſe of God, That no Church hath enioyed the truth and puritie of Religion in larger libertie. And vpon ſome ſuch conſiderations, it pleaſed his gracious Maieſtie to continue the Church of England in her eſtabliſhed eſtate, as may bee ſeene in the Conference at Hampton Court, and Thomas Sparke his booke written thereupon. Ipſa quippe mutatio, etiam quae adiuuat vtilitate, nouitate perturbat: quapropter quae utilis non eſt, perturbatione infructuoſa conſequenter noxia eſt, ſaith Auguſtine, Epiſt. 118. that is, Euen a change that is helpefull for vtilitie, perturbeth with the noueltie: Wherefore, conſequently, a change that is not profitable, is noyſome through fruitleſſe per-

turbation. Rather a Church with ſome fault then ſtill a change, it is ſaid in the Conference at Hampton Court.

2. The receiuing againe of theſe Articles ſo iuſtly reiected, and ſo carefully and long kept forth of this Kirk, grieueth the reformed Profeſſours tenderly affected to our reformation, and giueth occaſion to our aduerſaries to reproue our ſeparation from them, of raſhneſſe, leuitie and inconſtancie; and not only hindereth their conuerſion, but ſtrengthneth their hope of our further conformitie with them. Quoties non mutarunt ſuam quiſque ſententiam? Quod aedificant hodie, cras deſtruunt; hodie lapidem locant in fundamentum, caementoque confirmant, quem poſtero die eruunt et conterunt. Ubique revocationes, emendationes, novi foetus, aliae atque aliae, quoties nova ſententia placet, aſſertiones: alius deturbat alium, confuſio confuſioni permiſcetur; atque interim ſcinditur incertum ſtudia in contraria vulgus. Nec adhuc cernimus aliud; et quis niſi mente captus dicat, iſtiuſmodi artifices reaedificare Eccleſiam Dei; quibus omnia incerta, fluxa, inſtabilia, contraria; quibus nulla dogmatum conſtantia, nulla animorum conſenſio? Antididagma Coloniens. Pag. 4. That is, How oft have they not changed every one their opinion? That which they build to day, they demoliſh to morrow: They place this day a ſtone for a foundation, and make it ſure with mortar, which they pull up the day following, and bruiſe in pieces. Every where there is revocations, corrections, new births, diverſe aſſertions, as oft as a new opinion pleaſeth any of them; one throweth doun another; confuſion is mingled with confuſion; and in the mean time the doubtful vulgar are ſevered in contrary factions. Neither yet doe we perceive any other thing: And who will ſay, except ſuch an one is beſide himſelf, that ſuch artiſans reedifie the Kirk of God, to whom all things are uncertain, flowing, unſtable, contrarious, who have no conſtancy in the heads of Doctrine, no conſent of minds?

3. They cannot ſtand in one profeſſion with brotherly kindneſs, peace, and loue, which muſt bee tenderly kept amongſt the members of Chriſts body, as the ſame conſiſteth of ſtronger and more infirme; as may appeare in the Apoſtolicall Rules following. 1. All things are lawfull to me, but all things are not profitable. I may doe all things, but I will not be brought vnder the power of any thing. 2. Let every man be fully perſwaded in his own minde. 3. Whatſoeuer is not of faith is ſin. 4. Let euery one vnderſtand according to ſobriety, as God hath dealt to euery man the meaſure of faith. 5. Take heed, leſt by any means this power of yours be

an occaſion of falling to them that are weak. 6. Through thy knowledge ſhall thy weak brother fall, for whom Chriſt died. 7. When ye ſin againſt the brethren, and wound their weak conſciences, ye ſin againſt Chriſt. 8. Whatſoeuer ye do, do all to the glory of God. 9. Giue no offence, neither to the Jew, nor to the Grecian, nor to the Kirk of God. 10. Pleaſe all men in all things, not ſeeking your own profit, but the profit of many, that they may be ſaved. 11. Cauſe not your commodity to be evil ſpoken of. 12. Let all things be done honeſtly, and in order. Things indifferent (put the caſe mans inventions were of that nature) in the caſe of ſcandal, ceaſe to be indifferent, and are as things moral. Perkins Gal. 2. 3.

4. They giue way to humane inuentions, and bring the wrong key there, of mans wit and will, within the houſe of God, whereby toyes and triffling ceremonies in number and force are multiplyed, as mens wits are variable to inuent. Who requireth theſe things at your hands?

5. The admitting of ſome openeth the doore to the reſt, and the multitude of ſuch make vs inferiour to the Jewes in two reſpects. 1. Their ceremonies were all divine. 2. In number fewer then rituall Chriſtians do obſerue betwixt the Paſche and the Pentecoſt. Gerſon complayneth, Quod multitudine leuiſſimarum ceremoniarum vis omnis Spiritus Sancti, quem in nobis vigere oportuit, et vera pietas ſit extincta: That with the multitude of friuolous ceremonies, true pietie was extinguiſhed, and the force of the Spirit, which ought to be epowerfull in vs. Jewel. Apollog. p. 116. Sed quamvis hoc neque inveniri poſſit, quomodo contra fidem ſunt, ipſam tamen Religionem ſervilibus oneribus premunt, ut tolerabilior ſit conditio Judaeorum, qui, etiamſi tempus libertatis non agnoverint, legalibus tamen ſarcinis, non humanis praeſumptionibus ſubjiciuntur. Auguſt. Epiſt. 119. Howbeit it cannot bee found, how they are contrary to the faith; yet they preſſe downe Religion it ſelfe with ſeruile burthens, ſo that the eſtate of the Jewes is more tolerable, who, howbeit they did not acknowledge the time of their liberty, are ſubiect notwithſtanding to the burthens of the Law, not to the preſumptions of man. Quanto magis accedit cumulo rituum in Eccleſia, tanto magis detrahitur non tantum libertati Chriſtianae, ſed et Chriſto, et ejus fidei. Confeſs. Orthod. Cap. 27. that is, The more that the heape of rites and ceremonies in the Kirk increaſeth, the more is derogated, not onely from Chriſtian libertie, but alſo from Chriſt, and his faith. Learned and graue men may like better of the ſingle forme of Policie in

our Kirk, then of the many ceremonies of the Kirk of England. Epist. before Basilicon Doron.

6. They hinder edification; for how much time and zeale shall bee spent vpon the inbringing and establishing of these, as much leisure and opportunity shall Satan get to sow and water the tares of atheism, schisme, popery, and dissention. Consider the sentences following. 1. Let us proceed by one rule, that we may mind one thing. Phil. 3. 16. 2. Let us follow the truth in loue, and in all things grow up in him, who is the head, that is, Christ. Ephes. 4. 15. 3. Give no place to the Devil. 4. If ye be otherwise minded, God shall reveal the same to you. 5. Feed my sheep. 6. Take heed unto yourselves, and unto the flock. 7. Let no root of bitternes spring up to trouble you. 8. Fulfill my joy, that ye may be like minded, having the same loue, being of one accord, and of one judgement, that nothing be done through contention and vain glory; but that in meekness of mind every man esteem other better than himself. 9. Do all things without murmuring and reasoning. 10. It was needfull for me to write unto you, that ye should earnestly contend for the faith which was once delivered to the Saints. 11. While men sleept the enemy came, and sowed his tares among the wheat, and went his way.

7. Matters of that nature bring ineuitably with them disputations, divisions, contentions, as may be seen in all Kirks, where such coals of contention get entrie. The Pascha of the Primitive Kirk, the Interim of Germany, the rent of the Kirk of England, our oun experience since the strife of the External Gubernation began among us, &c.

8. They bring a sensible blot, either vpon the happie memory of our godly and wise predecessors, in so farre as wee depart from that reformation, so wisely brought in, appointed and established by them; or else vpon our selues, by resuming againe of dangerous superfluities, without reason, reiected by them for weighty and necessary causes. Magnum est hoc Dei munus, quod una et Religionem puram, et eutaxian, Doctrinae videlicet retinendae vinculum, in Scotiam intulistis: Sic obsecro et obtestor, haec duo simul retinete, ut, uno amisso, alterum non diu permanere posse semper memineritis. Beza Epist. to Mr Knox. This is a great benefit of God, that ye haue brought into Scotland true Religion, and good order, the band that retaineth Doctrine, at one time: So I beseech you and obtest, that you retaine these two together; so that ye remember, that if the one be lost, the other cannot long endure. And again he saith, Quam recte

illud, quod disciplinam simul cum doctrina conjungitis: Obsecro et obtestor ut ita pergatis, ne vobis idem, quod tam multis, eveniat, ut qui in limine impegerunt, progredi non possint; imo etiam interdum ne velint quidem, quod longe miserrimum est. How well was that done, that yee conioyned doctrine and discipline together. I beseech you, and obtest, that yee goe forward, lest it happen to you, which has befallen to many that could not make a progresse, having stumbled in the very entry; yea sometime were not willing, which is most lamentable.

9. They set loose the filthy mindes and mouthes of fleshly liuers, to triumph against the most sound and best reformed Professors, and to rejoyce in their rotten opinions, and restored opportunities of sensual obseruations of guising, gluttony, carrells, &c.

10. They are declared by this Church to bee contrary doctrine, as may bee seene in the first, second, and third Chapters of the first booke of Discipline, in these words: We iudge that all doctrine repugnant to the Euangell, should bee vtterly suppressed, as damnable to mans saluation. In the books of the Old and New Testament we affirm that all things, necessary for the instruction of the Kirk, and to make the man of God perfect, are contained and sufficiently expressed. By contrary doctrine, wee vnderstand whatsoeuer men by Lawes, Councells, or Constitutions, haue imposed on the consciences of men, without the expresse commandement of Gods Word, as keeping of holy dayes commanded by man, the feast of Christmass, and other feasts, &c.

11. The Commissioners of Presbytries here assembled, sufficiently understand, that neither the Presbytries, from whom they have their Commissions, nor the particular Churches of this Realme, either require, are willing, or consent to admit these novations. Confitentur Theologi, nil esse per Synodos Ecclesiis invitis obtrudendum. The Diuines confesse, that nothing should be obtruded vpon Churches by Synods, against their will.

12. The Commissioners of Presbytries here assembled, vnderstanding the alienation of them, from whom they receiued their Commission, from these Articles, can by no warrant bind nor oblige their vnwilling Presbytries and Congregations to their votes. Ecclesiam dissentientem et inuitam obligare quis potest? Who can binde a Kirk disassenting and vnwilling?

13. There stand in force diuerse Acts of Parliament in fauours of our present order, Jacob. 6. Parl. 1. cap. 8. Ja. 6. Parl. 6. cap. 68. and cap. 69. Item, the first Act of the Parliament 1592.

14. The Miniſters of this Church, by order of the ſame printed and inſerted before the Pſalme Booke, at their admiſſions reſpectiué, promiſe in the preſence of God, and of the Congregation aſſembled, to abhorre and vtterly refuſe all Doctrine alledged neceſſary to ſaluation, that is not expreſſly contained in the Old and New Teſtament; and according to the graces and utterances that God ſhall grant to them, to profeſs, inſtruct, and maintain the purity of the Doctrine contained in the ſacred Word of God; and to the uttermoſt of their power to gainſtand and convince the gainſayers, and teachers of mens inventions. Item, To ſubmitt themſelves moſt willingly to the wholſome Diſcipline of this Kirk, by the which they were then called to their office and charge, promiſſing in Gods preſence obedience to all admonitions, ſecretly or publickly given, &c.

15. The Subſcribers of the Confeſſion of Faith be their oath therein contained, promiſe and ſweare to continue in the obedience of the doctrine and diſcipline of this Church, and to defend the ſame according to their vocation and power all the days of their liues, under the pains contained in the Law, and danger both of body and ſoul in the day of Gods fearfull judgment: and to abhorre and deteſt all contrary religions; but chiefly all kind of Papiſtry in general, even as they are now damned and confuted by the Word of God, and Kirk of Scotland: but in ſpecial the Popes five baſtard Sacraments, whereof Confirmation is one; with all rites, ceremonies, and falſe doctrines, added to the true Sacraments without the Word of God; his abſolute neceſſity of Baptiſm, &c. Which Confeſſion, and practice following thereupon, is come to the eyes of the World in print, and ſolemnly renewed in the Covenant celebrated in the General and Provincial Aſſemblies, Preſbytries, and Kirk Seſſions, in the year of God 1596. And how ſhall any man be heard to ſpeak againſt that whereunto he hath formerly ſworn and ſubſcribed?

The Miniſters moſt humbly and earneſtly requieſted the Kings Commiſſioners, that the concluding of the Articles might be continued, till their reaſons were ſent in writt to his Majeſty, and his anſwer returned. But their humble requieſt was refuſed.

Before the roll was called, his Majeſties Letter was read againe in open audience of the Aſſembly; to the end they might ſee his earneſtneſs about the ſame matters, and the laſt impreſſion might incline the voters to conſent.

The Miniſters, defenders of the eſtabliſhed order, required again, that none might have place to vote, but ſuch as were authorized with lawfull Commiſſion. But this order was not admitted: Yea, the Archbiſhop anſwered, that if all Scotland were preſent there, they ſhould vote.

It was deſired by ſome, That the Articles might be ſeuerally voted, as many would agree to ſome of them, who would not accept of all: But it was thought meeteſt to vote them in cumulo, becauſe the denying of one would be to his Maieſtie, as the denying of all.

The Archbiſhop took the roll of the names in his own hand from the Clerk. Firſt, were called the Kings Commiſſioners and the Aſſeſſors; then the Noblemen, Biſhops, and Barons; then the Doctors and Miniſters; and laſt of all the Burgeſſes.

In end, by plurality of votes the fiue Articles were concluded.

1. Seing we are commanded by God himſelf, that when wee come to worſhip him, we fall doun and kneel before the Lord our Maker; and conſiddering withall, that there is no part of divine worſhip more heavenly and ſpiritual, then is the holy receiving of the bleſſed body and blood of our Lord and Saviour Jeſus Chriſt; like as the moſt humble and reverend geſture of the body, in our meditation and lifting up of our hearts, beſt becometh ſo divine and ſacred an action: Therefor, notwithſtanding that our Kirk hath uſed, ſince the Reformation of Religion, to celebrate the holy Communion to the people ſitting, by reaſon of the great abuſe of kneeling uſed in the idolatrous worſhip of the Sacrament by the Papiſts: yet now ſeeing all memory of by paſt ſuperſtition is paſt; in reverence of God, and in due regard of ſo divine a myſtery, and in remembrance of ſo myſtical an union as we are made partakers of, the Aſſembly thinketh good, that that bleſſed Sacrament be celebrat hereafter meekly and reverently upon their knees.

2. Item, If any good Chriſtian viſited with long ſickneſs, and known to the Paſtor, by reaſon of his preſent infirmity, unable to reſort to the Kirk for receiving of the holy Communion; or being ſick ſhall declare to the Paſtor upon his conſcience, that he thinks his ſickneſs to be deadly, and ſhall earneſtly deſire to receive the ſame in his houſe, the Miniſter ſhall not deny to him ſo great a comfort, lawfull warning being given to him the night before; and that there be three or four of good religion and converſation, free of lawfull impediments, preſent with the ſick perſon, to com-

municat with him; who muſt alſo provide a convenient place in his houſe, and all things neceſſary for the reverend adminiſtration thereof, according to the order preſcribed in the Kirk.

3. Item the Miniſter ſhall often admoniſh the people, that they defer not the baptizing of infants any longer then the next Lords day after the child be borne, unleſs upon a great and reaſonable cauſe declared to the Miniſter, and by him approved: As alſo they ſhall warn them, that without great cauſe they procure not their children to be baptized at home in their houſes. But when great need ſhall compell them to baptize in priva houſes, (in which caſe the Miniſter ſhall not refuſe to doe it, upon the knowledge of the great need, and being timely required thereto,) the baptiſm ſhall be miniſtred after the ſame forme, as it ſhould have been in the congregation: and the Miniſter ſhall the next Lords day after any ſuch privat baptiſm, declare in the Kirk, that the infant was baptized, and therefor ought to be received as one of the true flock of Chriſts fold.

4. Item, For as much as one of the moſt ſpecial means for ſtaying the increaſe of Popery, and ſettling of true Religion in the hearts of the people is, that a ſpecial care be taken of the trial of young children their education, and how they are catechized; which in time of the Primitive Kirk was moſt carefully attended, as being moſt profitable to cauſe young children, in their tender years, drink in the knowledge of God and his religion; but is now altogether neglected, in reſpect of the great abuſe and errours which creept into the Popiſh Kirk, by making thereof a Sacrament of Confirmation: Therefor, that all ſuperſtitions builded thereupon may be reſcinded, and that the matter itſelf being moſt neceſſary for the education of the youth, may be reduced to the primitive integrity, it is thought good, that the Miniſter in every paroch ſhall catechize all young children of eight years of age, and ſee that they have the knowledge, and be able to make rehearſal of the Lords Prayer, the Belief, and ten Commandments with anſwers to the queſtions of the ſmall Catechiſm uſed in our Kirk. And that every Biſhop in his viſitation ſhall cenſure the Miniſter, who ſhall be found remiſs therein; and the ſaid Biſhops ſhall cauſe the ſaid children to be preſented before them, and bleſs them with prayer for increaſe of their knowledge, and continuance of Gods heavenly graces with every one of them.

5. Item, As we abhor the ſuperſtitious obſervation of Feſtivall dayes by the Papiſts, and deteſt all licentious and profane abuſe thereof by the con

mon ſort of profeſſors; ſo we think, that the ineſtimable benefits, receivit from God by our Lord Jeſus Chriſt his Birth, Paſſion, Reſurrection, Aſcenſion, and Sending down of the Holy Ghoſt, were commendably and godly remembered at certain particular dayes and times, by the whole Kirk of the world, and may be alſo now: Therefor the Aſſembly ordains, that every Miniſter ſhall upon theſe dayes have the commemoration of the foreſaid ineſtimable benefits; and make choiſe of ſeveral and pertinent texts of Scripture, and frame their doctrine and exhortation thereto; and rebuke all ſuperſtitious obſervation and licentious profanation thereof.

The Biſhop proponed an Act to be made, that all Miniſters at their admiſſion ſhould ſwear, that they have made no privat paction for diminution of the ſtipends, modified be the Commiſſioners appointed be the Parliament.

Item, A ratification of the Catechiſm allowed at Aberdeen, and printed ſince with Priviledge.

Item, That every Miniſter have care, that the Act againſt beggers be obſerved in their pariſhes.

Item, That Mr William Scot and Mr Alexander Henderſon be tranſported to Edinburgh.

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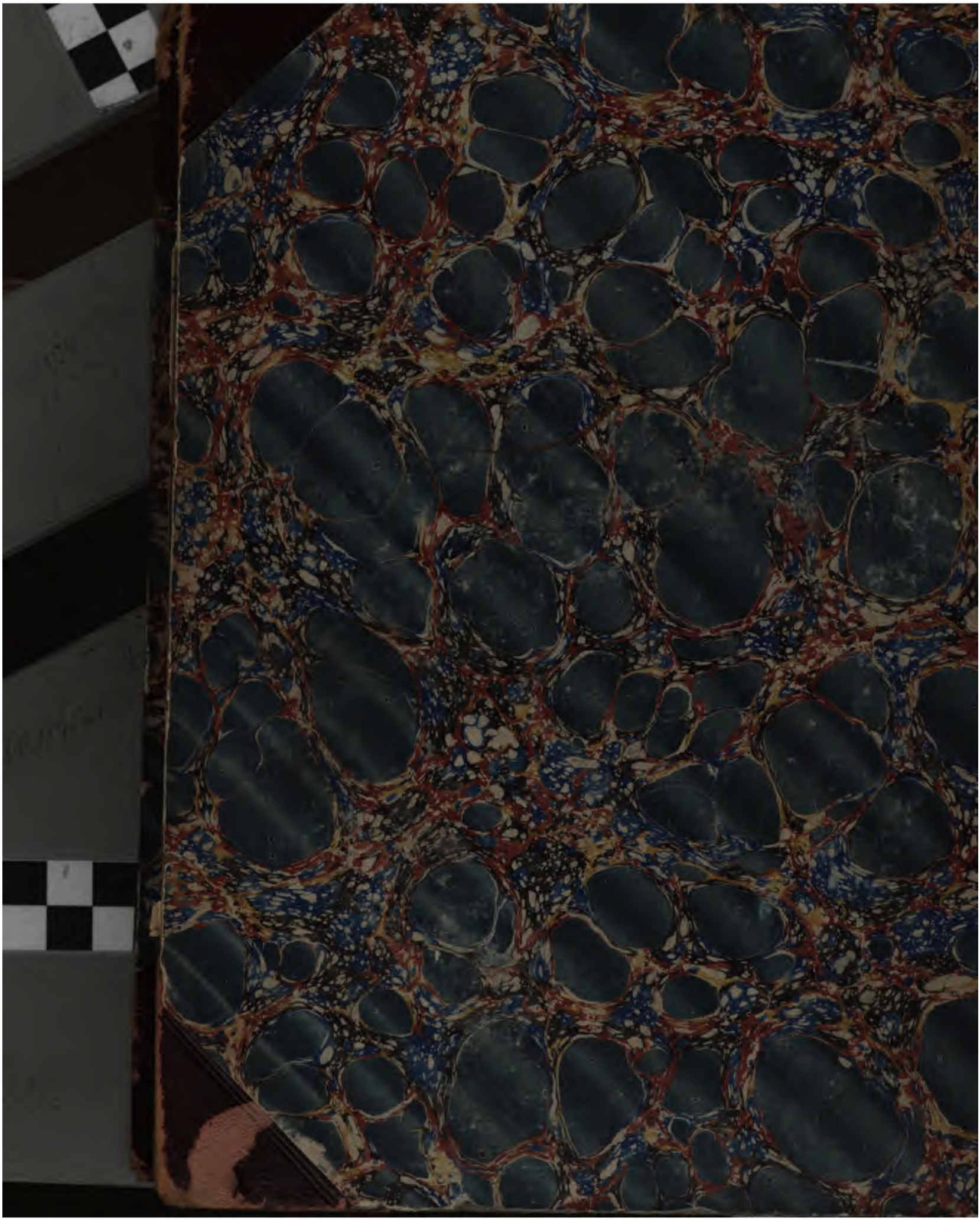
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